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2000

ILLINOIS

REGISTER

RULES
OF GOVERNMENTAL
AGENCIES

ILLINOIS DOCUMENTS

JUN 02 2000

Volume 24, Issue 23
June 02, 2000

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ILLINOIS REGISTER

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June 2, 2000

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- Issue 16 - April 14, 2000: Data Through March 31, 2000
- Issue 29 - July 14, 2000: Data Through June 30, 2000
- Issue 42 - October 13, 2000: Data Through September 30, 2000
- Issue 3 - January 19, 2001: Data Through December 31, 2000 (Annual)

INTRODUCTION

The *Illinois Register* is the official state document for publishing public notice of rulemaking activity initiated by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category. The Register also contains a Cumulative Index listing alphabetically by agency the Parts (sets of rules) on which rulemaking activity has occurred in the current Register volume year and a Sections Affected Index listing by Title each Section (including supplementary material) of a Part on which rulemaking activity has occurred in the current volume year. Both indices are action coded and are designed to aid the public in monitoring rules.

Rulemaking activity consists of proposed or adopted new rules; amendments to or repealers of existing rules; and rules promulgated by emergency or peremptory action. Executive Orders and Proclamations issued by the Governor; notices of public information required by State statute; and activities (meeting agendas, Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State agencies; is also published in the Register.

The Register is a weekly update to the *Illinois Administrative Code* (a compilation of the rules adopted by State agencies). The most recent edition of the Code along with the Register comprise the most current accounting of State agencies' rules.

The Illinois Register is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act [5 ILCS 100/1-1 et seq.].

REGISTER PUBLICATION SCHEDULE 2000

Issue #	Copy Due by 4:30 p.m.	Publication Date	Issue #	Copy Due by 4:30 p.m.	Publication Date
Issue 1	December 27, 1999	January 7, 2000	Issue 28	June 26	July 7
Issue 2	January 4, 2000*	January 14	Issue 29	July 3	July 14
Issue 3	January 10	January 21	Issue 30	July 10	July 21
Issue 4	January 18*	January 28	Issue 31	July 17	July 28
Issue 5	January 24	February 4	Issue 32	July 24	August 4
Issue 6	January 31	February 14**	Issue 33	July 31	August 11
Issue 7	February 7	February 18	Issue 34	August 7	August 18
Issue 8	February 14	February 25	Issue 35	August 14	August 25
Issue 9	February 22*	March 3	Issue 36	August 21	September 1
Issue 10	February 28	March 10	Issue 37	August 28	September 8
Issue 11	March 6	March 17	Issue 38	September 5*	September 15
Issue 12	March 13	March 24	Issue 39	September 11	September 22
Issue 13	March 15	March 26	Issue 40	September 18	September 29
Issue 14	March 20	March 31	Issue 41	September 25	October 6
Issue 15	March 27	April 7	Issue 42	October 2	October 13
Issue 16	April 3	April 14	Issue 44	October 10*	October 20
Issue 17	April 10	April 21	Issue 43	October 16	October 27
Issue 18	April 17	April 28	Issue 44	October 23	November 3
Issue 19	April 24	May 5	Issue 45	October 30	November 13**
Issue 20	May 1	May 12	Issue 46	November 6	November 17
Issue 21	May 8	May 19	Issue 47	November 13	November 27 **
Issue 22	May 15	May 26	Issue 48	November 20	December 1
Issue 23	May 22	June 2	Issue 49	November 27	December 8
Issue 24	May 30*	June 9	Issue 50	December 4	December 15
Issue 25	June 5	June 16	Issue 51	December 11	December 22
Issue 26	June 12	June 23	Issue 52	December 18	December 29
Issue 27	June 19	June 30	Issue 1	December 26*	January 5, 2001

* Tuesday 12 noon deadline following a state holiday.

** Monday publication date following a state holiday.

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Approval of Negotiated Agreements2) Code Citation: 83 Ill. Adm. Code 7633) Section Numbers: Proposed Action:

Amendment

neither create nor expand any state mandate on units of local government, school districts, or community college districts.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments should be filed within 45 days after the date of this issue of the Illinois Register with:

Donna M. Caton
Chief Clerk
Illinois Commerce Commission
527 East Capitol Avenue
P.O. Box 19280
Springfield IL 62794-9280
(217)782-7434

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: These amendments will affect any telecommunications carriers that are also small businesses as defined in the Illinois Administrative Procedure Act.

B) Reporting, bookkeeping or other procedures required for compliance:
Filing procedures

C) Types of professional skills necessary for compliance: Legal skills

13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent agendas because: It was not anticipated that the rulemaking would be submitted for First Notice at this time.

The full text of the Proposed Amendments begins on the next page:

4) Statutory Authority: Implementing Section 252 of the Communications Act of 1934 (47 USC 252) and Section 10-101 of the Public Utilities Act and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/10-101] and Section 25-101 of the Electronic Commerce Security Act [5 ILCS 175/25-101].

5) A Complete Description of the Subjects and Issues Involved: This rulemaking amends current Commission rules to allow electronic filing in the subject cases. The rulemaking adds Subpart F that establishes a mechanism for persons to apply for and receive e-docket accounts, provides formats for the sending of electronic documents and control processes, and specifies the uses to which electronic documents may be used in Commission proceedings in which the Commission approves negotiated agreements pursuant to federal law.

6) Will these proposed amendments replace emergency amendments currently in effect? Yes

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: These proposed amendments

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

TITLE 83: PUBLIC UTILITIES
 CHAPTER I: ILLINOIS COMMERCE COMMISSION
 SUBCHAPTER F: TELEPHONE UTILITIES

PART 763

APPROVAL OF NEGOTIATED AGREEMENTS

SUBPART A: GENERAL PROVISIONS

Section	Procedure Governed	SUBPART F: ELECTRONIC FILING
763.10	Deviations from this Part	Section
763.20	Definitions	763.1000 Overview of Electronic Filing
763.30	Authority of Hearing Examiner	763.1010 Acceptable Formats
763.40	Federal Preemption of State Court Review	763.1020 e-Docket Accounts
763.50	Failure to Act	763.1030 Control Processes
763.60		763.1040 Submission of Electronic Documents
		763.1045 Electronic Documents Accepted by the Commission
		763.1050 Service by Electronic Means
		763.1060 Electronic Documents and the Hearing Process

Section	Communications to the Commission	SUBPART C: SCHEDULING AND DISCOVERY PROCEDURES
763.100	Form of Pleadings and Documents	763.110 Filing of Petition for Approval of Negotiated Agreement
763.110	Required Disclosures	763.120 Contents of Documents
763.120	Copies of Documents	763.130 Protective Orders
763.130	Service	763.140 Copies of Documents
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Section	Scheduling Conferences	SUBPART D: INFORMATION GATHERING PROCEDURE
763.200	Failure to Comply with a Discovery Order or a Subpoena	763.210 Protective Orders
763.210		
763.230		

Section	Disqualification of Hearing Examiner	SUBPART A: GENERAL PROVISIONS
763.300	Transcripts	Section 763.30 Definitions
763.320	Consolidation and Severance	Unless otherwise defined, the following terms as used in this Part shall have the following meanings:
763.330	Information to be Adduced	"Commissioner" means a member of the Commission.
763.340	Stipulation of Facts	"Documents" means petitions, amended and supplemental petitions, written discovery, answers to discovery, motions, responses, replies, notices, suggested findings of fact and conclusions of law, exceptions to Hearing Examiners' proposed orders, briefs, drafts or suggested
763.350	Ex Parte Communications	
763.360	Exhibits	
763.370		
763.380		
		SUBPART E: PROCEDURE FOLLOWING INFORMATION GATHERING

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NOTICE OF PROPOSED AMENDMENTS

forms of order, and similar writings.

"Electronic" includes electrical, digital, magnetic, optical, electromagnetic, or any other form of technology that entails capabilities similar to these technologies. [220 ILCS 5/3-122]

"Electronic document" means a pleading or a document transmitted by electronic means to the Commission with an electronic signature attached.

"Electronic record" means a record generated, communicated, received, or stored by electronic means for use in an information system or for transmission from one information system to another. [15 ILCS 175/5-105]

"Electronic signature" means a signature in electronic form issued by the Commission pursuant to Section 763.1020 and consisting of a user I.D. and password attached to, or logically associated with, an electronic document.

"E-mail address" means a destination, commonly expressed as a string of characters, to which electronic mail may be sent or delivered. [815 ILCS 511/5]

"Hearing Examiner" means an employee of the Commission, or a Commissioner, designated by the Commission to conduct proceedings pursuant to Section 252(e) of the Communications Act of 1934 (47 USC H-5-E: 252).

"Intervenor" means a person who, upon written petition, is permitted to intervene in any proceeding under this Part.

"Party" means any person who enters into a negotiated agreement for which Commission approval is sought under 47 USC H-5-E-252(e); or, any person allowed by the Commission or Hearing Examiner to intervene in a proceeding. Staff is not a party but shall have the specific rights and duties of parties as enumerated in this Part.

"Person" means any individual, partnership, corporation, governmental body or unincorporated association.

"Staff" or "Commission Staff" means individuals employed by the Commission. For purposes of this Part, a Hearing Examiner is not considered a member of the Commission Staff.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

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SUBPART B: FORM, FILING AND SERVICE OF DOCUMENTS

Section 763.100 Communications to the Commission

All paper documents to be filed with or submitted to the Commission shall be addressed to: The Chief Clerk, Illinois Commerce Commission, 527 East Capitol Avenue, Springfield, Illinois 62701 62706. All formal paper communications and documents are deemed to be officially filed or submitted only when delivered to the principal office of the Commission. The Chief Clerk is the official custodian of all Commission records.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 763.105 Form of Pleadings and Documents

- a) All pleadings and documents filed with the Commission shall be typewritten or printed on paper cut or folded or capable of being printed on paper 8 1/2 inches by 11 inches and shall have inside margins of one inch. All exhibits of a documentary character shall, whenever practical, conform to these requirements of size and margin. The impression shall be on one side of the paper only and shall be double spaced; footnotes and quotations may be single spaced and indented.
- b) All pleadings or other documents shall be composed in either Arial or Times New Roman font and shall be at least 12-point or larger.
- c) Reproductions may be by any process, provided that all copies are clear and permanently legible.

(Source: Added at 24 Ill. Reg. _____, effective _____)

Section 763.120 Required Disclosures

Unless otherwise ordered by the Hearing Examiner or the Commission, parties shall file with the petition for approval of a negotiated agreement, and without awaiting a discovery request:

- a) The name, address, facsimile number, e-mail address, and telephone number of each individual likely to have discoverable information relevant to the issues of whether:
 - 1) the agreement, or any portion thereof, discriminates against a carrier not a party to the agreement; and
 - 2) implementation of the agreement, or any portion thereof, would be inconsistent with the public interest.
- b) A copy of, or a description by category and location of, all documents, data compilations, and written information in the possession, custody, or control of the party that are relevant to the issues of whether:

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

- 1) the agreement, or any portion thereof, discriminates against a carrier not a party to the agreement; and
- 2) implementation of the agreement, or any portion thereof, would be inconsistent with the public interest.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 763.130 Contents of Documents

- a) All documents submitted in approval proceedings before the Commission shall display the docket number of the proceeding. Documents initiating a new proceeding shall leave a space for the docket number. All documents shall also include the full name, address and telephone number of the person or the representative of the person filing the document.
- b) The original of every document filed with the Commission shall be signed by the party filing the same or by an officer or agent. The factual assertions contained in all documents shall be verified by the filing party before a notary public. The verification shall be in form and substance as follows:

I, _____, do on oath depose and state that the facts contained in the foregoing document are true and correct to the best of my knowledge and belief.

SIGNATURE OF PERSON VERIFYING DOCUMENT

SIGNED AND SWORN TO BEFORE ME THIS _____ DAY OF _____,
(year) 199--.

NOTARY PUBLIC

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 763.140 Copies of Documents

- a) For any proceeding subject to this Part that was initiated prior to January 1, 2000, all All documents shall be filed with the Chief Clerk in one original and two copies, unless otherwise specified in this Part.

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NOTICE OF PROPOSED AMENDMENTS

- b) For any proceeding subject to this Part that was initiated after January 1, 2000, one original document shall be filed with the Chief Clerk.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

SUBPART C: SCHEDULING AND DISCOVERY PROCEDURES

Section 763.200 Scheduling Conferences

Upon direction of the Commission or on his or her own motion, the Hearing Examiner may request all parties to attend a scheduling conference. Notice of the conference shall be given in writing, telephone, e-mail, or telephone facsimile not later than 24 hours before the pre-hearing conference. Such a conference may be held for any purpose, including, but not limited to:

- a) Scheduling;
- b) Identification and simplification of issues;
- c) Amendments to documents;
- d) Limitations on the number of witnesses;
- e) The issuance of rulings denying, limiting, conditioning or regulating discovery;
- f) The issuance of rulings supervising all or any part of any discovery procedure; and
- g) Such other matters as may aid in the simplification of the evidence and disposition of the proceeding.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 763.230 Protective Orders

- a) At any time during the pendency of a proceeding, the Commission or the Hearing Examiner may, on the motion of any person, enter an order to protect the confidential, proprietary or trade secret nature of any data, information or studies.
 - b) A person filing a motion for a protective order shall specify the proposed expiration date for the proprietary status of the data, information or studies. The proposed expiration date shall be no more than five years from the date of submission. If no date is specified, the proposed expiration date for the proprietary status of the data, information or studies shall be two years from the date of submission.
 - c) An electronic document submitted and marked as proprietary shall be treated as a request for a protective order under this Section.
 - d) A public redacted version of each document submitted pursuant to this Section must also be submitted with the proprietary version.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

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SUBPART E: PROCEDURE FOLLOWING INFORMATION GATHERING

Section 763.440 Filing of Briefs

a) In proceedings subject to this Part that were initiated prior to January 1, 2000, an original and eight ~~it~~ copies of all briefs shall be filed with the Commission.

b) In proceedings subject to this Part that were initiated after January 1, 2000, an original brief shall be filed with the Commission.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

SUBPART F: ELECTRONIC FILING

Section 763.1000 Overview of Electronic Filing

One of the stated purposes of the Electronic Commerce Security Act is to facilitate electronic filing of documents with State and local government agencies, and promote efficient delivery of government services by means of reliable electronic records. [5 IICCS 175/1-105(3)] The Electronic Commerce Security Act authorizes State agencies to send and receive electronic records and electronic signatures. In addition, the Commission has the authority over its process and proceedings pursuant to Section 10-101 of the Public Utilities Act [220 IICCS 5/10-101]. To that end, the Commission is committed to facilitating the filing, distributing, and accessing of documents electronically, subject to this Part. The Commission has created an electronic filing system known as "e-Docket". e-Docket is a Web based program that allows electronic filing, management, and access to electronic records that make up case files. Any person may file a document in an electronic format. However, nothing in this Part should be construed to require any person to file any document in an electronic format.

(Source: Added at 24 Ill. Reg. _____, effective _____)

Section 763.1010 Acceptable Formats

a) All electronic documents submitted to the Commission via e-Docket shall be in one of the following formats:

- 1) Microsoft Word for Windows, version 6.0 and greater;
- 2) Corel WordPerfect for Windows, version 6.0 and greater;
- 3) Microsoft Excel for Windows, version 4.0 and greater;
- 4) Lotus 1-2-3 for Windows, version 4.0 and greater;
- 5) ASCII Text;
- 6) Adobe Acrobat 2.0 and greater.

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b) All e-Docket electronic records will be stored by the Commission in Adobe Acrobat Portable Document Format (PDF). Electronic documents not submitted in the PDF format will be converted to PDF by the Commission.

c) The Commission encourages persons to submit electronic documents in PDF.

(Source: Added at 24 Ill. Reg. _____, effective _____)

Section 763.1020 e-Docket Accounts

a) Each person seeking to file electronic documents must have an active e-Docket account.

b) The application for an e-Docket account is available on e-Docket on the Commission's Web site or can be obtained by calling or e-mailing the e-Docket help desk.

c) The e-Docket application requires the following information:

- 1) First name and last name;
- 2) Primary mailing address and phone number;
- 3) Preferred user name;
- 4) Password;
- 5) Challenge question and answer; and
- 6) Notarized signature.

d) Applications must be hand-delivered or mailed to the e-Docket help desk.

e) The user is responsible for keeping confidential the user I.D. and password. A user I.D. must be at least four characters in length and must be unique. Passwords must be at least five characters in length. Periodically passwords will expire and users will be given advance notice and requested to enter a new password. The challenge question and answer will enable e-Docket to recover a password for a user who has forgotten his or her password.

f) Because of the unique user I.D. and password, an electronic document can be traced to a specific individual as if it were signed. This shall serve as an electronic signature on such filings.

(Source: Added at 24 Ill. Reg. _____, effective _____)

Section 763.1030 Control Processes

a) e-Docket allows only users with I.D. and passwords to file electronic documents.

b) Only members of the service list for a particular proceeding are allowed to file electronic documents in that case. This does not prohibit the electronic filing of petitions to intervene in a case in which the person filing the petition is not yet a member of the

ILLINOIS COMMERCE COMMISSION

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c) Filings are scanned for computer viruses prior to being uploaded into the e-Docket system and will be rejected if the filing is infected. The submitter of such an electronic document will be notified of the rejection.

d) The Web browser must be set to accept cookies in order for users to submit electronic documents. Cookies identify users and instruct the server to send a customized version of the requested Web page to the user. Cookies also submit account information for the user.

e) e-Docket logs every filing with the user I.D., date, time, and file size information.

(Source: Added at 24 Ill. Reg. _____, effective _____)

Section 763.1040 Submission of Electronic Documents

a) Persons filing electronic documents shall receive a receipt with an identification number that shall be sent electronically. Documents that are required to be verified or that have an affidavit shall be deemed to be officially filed or received only when the person submitting the electronic document submits to the Commission the original verification page(s) accompanied by a printed copy of the electronic receipt for that document.

b) The filing of an electronic document is effective upon acceptance of the complete document and any required original verification page(s) by the Chief Clerk of the Commission in one of the formats specified in Section 763.1010(a).

(Source: Added at 24 Ill. Reg. _____, effective _____)

Section 763.1045 Electronic Documents Accepted by the Commission

All documents either initiating a proceeding subject to this Part or filed in a proceeding subject to this Part may be submitted to the Commission as electronic documents.

(Source: Added at 24 Ill. Reg. _____, effective _____)

Section 763.1050 Service by Electronic Means

a) Service by electronic means is allowed when agreed to by individual parties. Notwithstanding Section 763.150, any party required to serve a pleading or other document may serve copies of pleadings and other documents on other parties of record by electronic means in substitution of first class mail. Because of pagination and format

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

concerns, the parties are encouraged to serve in PDF format. When serving by electronic means, service is deemed complete on the day of electronic transmission if transmitted prior to 5:00 p.m. on that day. If any party files a proprietary electronic document (see Section 763.230), that party must serve the proprietary electronic document through any means, such as a confidentiality agreement. The e-Docket system does not allow any person outside of the Commission to see or access proprietary electronic documents.

(Source: Added at 24 Ill. Reg. _____, effective _____)

Section 763.1060 Electronic Documents and the Hearing Process

If any electronic document is offered and received at a hearing in an arbitration proceeding, the official copy is the electronic document as filed and found in the e-Docket system. If a prefiled electronic document is submitted without alteration at hearing, any requirement to offer multiple copies at hearing and to have the copies stamped is eliminated. If any prefiled electronic document is altered at hearing in any way, the sponsoring party must serve the complete altered electronic document on the Commission and the other parties of record within seven days after that hearing or, if applicable, within seven days after the end of a continuous, day-to-day set of hearings, unless otherwise directed by the Hearing Examiner.

(Source: Added at 24 Ill. Reg. _____)

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Approval or Rejection of Arbitrated Agreements
- 2) Code Citation: 83 Ill. Adm. Code 762
- 3) Section Numbers:

Proposed Action:	
Amendment	762.30
Amendment	762.100
New Section	762.105
Amendment	762.120
Amendment	762.200
Amendment	762.210
Amendment	762.220
New Section	762.1000
New Section	762.1010
New Section	762.1020
New Section	762.1030
New Section	762.1040
New Section	762.1045
New Section	762.1050
New Section	762.1060
- 4) Statutory Authority: Implementing Section 252 of the Communications Act of 1934 (47 USC 252) and Section 10-101 of the Public Utilities Act and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/10-101] and Section 25-101 of the Electronic Commerce Security Act [5 ILCS 175/25-101].
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking amends current Commission rules to allow electronic filing in the subject cases. The rulemaking adds Subpart F that establishes a mechanism for persons to apply for and receive e-pocket accounts, provides formats for the sending of electronic documents and control processes, and specifies the purpose for which electronic documents may be used in Commission proceedings in which the Commission approves or rejects arbitrated agreements pursuant to federal law.
- 6) Will these proposed amendments replace emergency amendments currently in effect? Yes
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: These proposed amendments neither create nor expand any state mandate on units of local government, school districts, or community college districts.

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments should be filed within 45 days after the date of this issue of the Illinois Register with:

3) Section Numbers:

Proposed Action:	
Amendment	762.30
Amendment	762.100
New Section	762.105
Amendment	762.120
Amendment	762.200
Amendment	762.210
Amendment	762.220
New Section	762.1000
New Section	762.1010
New Section	762.1020
New Section	762.1030
New Section	762.1040
New Section	762.1045
New Section	762.1050
New Section	762.1060

4) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: These amendments will affect any telecommunications carriers that are also small businesses as defined in the Illinois Administrative Procedure Act.

B) Reporting, bookkeeping or other procedures required for compliance:

C) Types of professional skills necessary for compliance: Legal skills

13) Regulatory Agenda On which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent agendas because: It was not anticipated that the rulemaking would be submitted for First Notice at this time.

The full text of the Proposed Amendments begins on the next page:

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

TITLE 83: PUBLIC UTILITIES
 CHAPTER I: ILLINOIS COMMERCE COMMISSION
 SUBCHAPTER f: TELEPHONE UTILITIES

PART 762
 APPROVAL OR REJECTION OF ARBITRATED
 AGREEMENTS

SUBPART A: GENERAL PROVISIONS

Section 762.10 Procedure Governed

Deviation from this Part

Definitions

Authority of Hearing Examiner

762.40 Federal Preemption of State Court Review

762.50 Failure to Act

SUBPART B: FORM, FILING AND SERVICE OF DOCUMENTS

Section 762.10 Communications to the Commission

762.20 Form of Pleadings and Documents

762.30 Submission for Commission Approval of an Arbitrated Agreement

762.40 Authority of Hearing Examiner

762.50 Federal Preemption of State Court Review

762.60 Failure to Act

SUBPART C: PRE-DECISIONAL PROCEDURE

Section 762.100 Pre-decisional Conferences

762.105 Schedule of Pre-decisional Procedure

Intervention

Protective Orders

Section 762.200 Disqualification of Hearing Examiner

762.205 Consolidation and Severance

Ex Parte Communications

762.210 Protective Orders

762.220 Intervention

SUBPART D: DECISIONAL PROCEDURE

Section 762.200 Disqualification of Hearing Examiner

762.205 Consolidation and Severance

Ex Parte Communications

762.320 Protective Orders

762.320 Protective Orders

SUBPART E: POST-COMMENT PROCEDURE

Section 762.410 Hearing Examiner's Proposed Decision

762.420 Exceptions

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

TITLE 83: PUBLIC UTILITIES
 CHAPTER I: ILLINOIS COMMERCE COMMISSION
 SUBCHAPTER f: TELEPHONE UTILITIES

SUBPART F: ELECTRONIC FILING

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AUTHORITY: Implementing Section 252 of the Communications Act of 1934 (47 USC 252) and Section 10-101 of the Public Utilities Act and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/10-101] and Section 25-101 of the Electronic Commerce Security Act [5 ILCS 175/25-101].

SOURCE: Adopted at 21 Ill. Reg. 7129, effective June 1, 1997; emergency amendment at 24 Ill. Reg. _____, effective May 22, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 762.30 Definitions

Unless otherwise defined, the following terms as used in this Part shall have the following meanings:

"Commissioner" means a member of the Commission.

"Documents" means petitions, amended and supplemental petitions, motions, responses, replies, notices, proposed decisions, exceptions to Hearing Examiners' proposed orders, comments, drafts or suggested forms of order, and similar writings.

"Electronic" includes electrical, digital, magnetic, optical, electromagnetic, or any other form of technology that entails capabilities similar to these technologies. [220 ILCS 5/3-122]

"Electronic document" means a pleading or a document transmitted by electronic means to the Commission with an electronic signature attached.

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"Electronic record" means a record generated, communicated, received or stored by electronic means for use in an information system or for transmission from one information system to another. [5 ILCS 1.75/5-105]

"Electronic signature" means a signature in electronic form issued by the Commission pursuant to Section 762.1020 and consisting of a user I.D. and password attached to or logically associated with an electronic document.

"E-mail address" means a destination, commonly expressed as a string of characters, to which electronic mail may be sent or delivered. [815 ILCS 511/5]

"Hearing Examiner" means a person employed by the Commission under Section 2-106 of the Public Utilities Act, who is assigned to conduct arbitration proceedings pursuant to Section 252 of the Communications Act of 1934 (47 USC §704 et seq. 252). A Commissioner may also serve as a Hearing Examiner for purposes of this Part.

"Intervenor" means a person who, upon written petition, is permitted to intervene in any proceeding under this Part.

"Party" means those persons who submit to the Commission for approval an arbitrated agreement pursuant to Section 252(e) of the Communications Act of 1934 (47 USC §704-252); or, a person allowed by the Commission or Hearing Examiner to intervene in a proceeding. Staff is not a party but may have the specific rights and duties of parties as enumerated in this Part.

"Person" means any individual, partnership, corporation, governmental body or unincorporated association.

"Staff" or "Commission Staff" means individuals employed by the Commission. For purposes of this Part, a Hearing Examiner is not considered a member of the Commission Staff.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

SUBPART B: FORM, FILING AND SERVICE OF DOCUMENTS

Section 762.100 Communications to the Commission

All paper documents to be filed with or submitted to the Commission shall be addressed to: The Chief Clerk, Illinois Commerce Commission, 527 East Capitol Avenue, Springfield, Illinois 62701 62706. All formal paper communications and documents are deemed to be officially filed or submitted only when delivered to

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the principal office of the Commission. The Chief Clerk is the official custodian of all Commission records.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 762.105 Form of Pleadings and Documents

- a) All pleadings and documents filed with the Commission shall be typewritten or printed on paper, cut or folded or capable of being printed on paper, 8 1/2 inches by 11 inches and shall have inside margins of one inch. All exhibits of a documentary character shall, whenever practical, conform to these requirements of size and margin. The impression shall be on one side of the paper only and shall be double spaced; footnotes and quotations may be single spaced and indented.
- b) All pleadings or other documents shall be composed in either Arial or Times New Roman font and shall be at least 12-point or larger.
- c) Reproductions may be by any process, provided that all copies are clear and permanently legible.

(Source: Added at 24 Ill. Reg. _____, effective _____)

Section 762.120 Filing of Comments

- a) For proceedings subject to this Part that were initiated prior to January 1, 2000, an original and eight # copies of all comments and draft proposed decisions shall be filed with the Commission. Comments shall be concise, and, if in excess of 20 pages, excluding appendices, shall contain:
 - 1. A table of contents;
 - 2. A short statement of the case;
 - 3. A summary of the position of the party filing; and
 - 4. Argument.
- b) For proceedings subject to this Part that were initiated after January 1, 2000, one original document shall be filed with the Commission, subject to the content requirements of subsection (a).

(Source: Amended at 24 Ill. Reg. _____, effective _____)

SUBPART C: PRE-DECISIONAL PROCEDURE**Section 762.200 Pre-decisional Conferences**

Upon direction of the Commission or on his or her own motion, the Hearing Examiner may request all parties to attend a pre-decisional conference. Notice

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of the pre-decisional conference shall be given in writing, telephone, e-mail, or telephone facsimile no later than 24 hours before the pre-decisional conference. Such a conference may be held for any purpose, including, but not limited to:

- a) Scheduling;
- b) Identification and simplification of issues;
- c) Amendments to documents; and
- d) Such other matters as may aid in the simplification of the issues and disposition of the proceeding.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 762.210 Intervention

- a) Petitions to intervene shall contain:
 - 1) The name, address, facsimile number, e-mail address, and telephone number of the petitioner seeking leave to intervene;
 - 2) A plain and concise statement of the nature of such petitioner's interest;
 - 3) A prayer for leave to intervene and be treated as a party to the proceeding.
- b) While a petition for leave to intervene is pending, the Hearing Examiner, in his or her discretion, may permit the petitioner to participate in the proceeding.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 762.220 Protective Orders

- a) At any time during the pendency of a proceeding, the Commission or the Hearing Examiner may, on the motion of any person, enter an order to protect the confidential, proprietary or trade secret nature of any data, information or studies.
- b) A person filing a motion for a protective order shall specify the proposed expiration date for the proprietary status of the data, information or studies. The proposed expiration date shall be no more than five years from the date of submission. If no date is specified, the proposed expiration date for the proprietary status of the data, information or studies shall be two years from the date of submission.
- c) An electronic document submitted and marked as proprietary shall be treated as a request for a protective order under this Section.
- d) Public redacted version of each document submitted pursuant to this Section must also be submitted with the proprietary version.

SUBPART F: ELECTRONIC FILING

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Section 762.1000 Overview of Electronic Filing

One of the stated purposes of the Electronic Commerce Security Act is to facilitate electronic filing of documents with State and local government agencies, and promote efficient delivery of government services by means of reliable electronic records. [S. ILCS 175/1-105(3)] The Electronic Commerce Security Act authorizes State agencies to send and receive electronic records and electronic signatures. In addition, the Commission has the authority over its process and proceedings to Section 10-101 of the Public Utilities Act [220 ILCS 5/10-101]. To that end, the Commission is committed to facilitating the filing, distributing, and accessing of documents electronically, subject to this Part. The Commission has created an electronic filing system known as "e-Docket". e-Docket is a web based program that allows electronic filing, management, and access to electronic records that make up case files. Any person may file a document in an electronic format. However, nothing in this Part should be construed to require any person to file any document in an electronic format.

(Source: Added at 24 Ill. Reg. _____, effective _____)

Section 762.1010 Acceptable Formats

- a) All electronic documents submitted to the Commission via e-Docket shall be in one of the following formats:
 - 1) Microsoft Word for Windows, version 6.0 and greater;
 - 2) Corel WordPerfect for Windows, version 6.0 and greater;
 - 3) Microsoft Excel for Windows, version 4.0 and greater;
 - 4) Lotus 1-2-3 for Windows, version 4.0 and greater;
 - 5) ASCII Text;
 - 6) Adobe Acrobat 2.0 and greater.
- b) All e-Docket electronic records will be stored by the Commission in Adobe Acrobat Portable Document Format (PDF). Electronic documents not submitted in the PDF format will be converted to PDF by the Commission.
 - c) The Commission encourages persons to submit electronic documents in PDF.

(Source: Added at 24 Ill. Reg. _____, effective _____)

Section 762.1020 e-Docket Accounts

- a) Each person seeking to file electronic documents must have an active e-Docket account.
- b) The application for an e-Docket account is available on e-Docket on the Commission's Web site or can be obtained by calling or e-mailing the e-Docket help desk.

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c) The e-Docket application requires the following information:

- 1) First name and last name;
- 2) Primary mailing address and phone number;
- 3) Preferred user name;
- 4) Password;
- 5) Challenge question and answer; and
- 6) Notarized signature.

d) Applications must be hand-delivered or mailed to the e-Docket help desk.

e) The user is responsible for keeping confidential the user I.D. and password. A user I.D. must be at least four characters in length and must be unique. Passwords must be at least five characters in length. Periodically passwords will expire and users will be given advance notice and requested to enter a new password. The challenge question and answer will enable e-Docket to recover a password for a user who has forgotten his or her password.

f) Because of the unique user I.D. and password, an electronic document can be traced to a specific individual as if it were signed. This shall serve as an electronic signature on such filings.

(Source: Added at 24 Ill. Reg. _____, effective _____)

Section 762.1030 Control Processes

a) e-Docket allows only users with I.D. and passwords to file electronic documents.

b) Only members of the service list for a particular proceeding are allowed to file electronic documents in that case.

c) Filings are scanned for computer viruses prior to being uploaded into the e-Docket system and will be rejected if the filing is infected. The submitter of such an electronic document will be notified of the rejection.

d) The Web browser must be set to accept cookies in order for users to submit electronic documents. Cookies identify users and instruct the server to send a customized version of the requested Web page to the user. Cookies also submit account information for the user.

e) e-Docket logs every filing with the user I.D., date, time, and file size information.

(Source: Added at 24 Ill. Reg. _____, effective _____)

Section 762.1040 Submission of Electronic Documents

a) Persons filing electronic documents shall receive a receipt with an identification number that shall be sent electronically. Documents that are required to be verified or that have an affidavit shall be

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c) deemed to be officially filed or received only when the person submitting the electronic document submits to the Commission the original verification page(s) accompanied by a printed copy of the electronic receipt for that document.

b) The filing of an electronic document is effective upon acceptance of the complete document and any required original verification page(s) by the Chief Clerk of the Commission in one of the formats specified in Section 762.1010(a).

(Source: Added at 24 Ill. Reg. _____, effective _____)

Section 762.1045 Electronic Documents Accepted by the Commission

All documents either initiating a proceeding subject to this Part or filed in a proceeding subject to this Part may be submitted to the Commission as electronic documents.

(Source: Added at 24 Ill. Reg. _____, effective _____)

Section 762.1050 Service by Electronic Means

a) Service by electronic means is allowed when agreed to by individual parties. Notwithstanding Section 762.110, any party required to serve a pleading or other document may serve copies of pleadings and other documents on other parties of record by electronic means in substitution of first class mail. Because of pagination and format concerns, the parties are encouraged to serve in PDF format. When serving by electronic means, service is deemed complete on the day of electronic transmission if transmitted prior to 5:00 P.M. on that day.

b) If any party files a proprietary electronic document (see Section 762.220), that party must serve the proprietary electronic document on any other party of record that has the right to see the document through any means, such as a confidentiality agreement. The e-Docket system does not allow any person outside of the Commission to see or access proprietary electronic documents.

(Source: Added at 24 Ill. Reg. _____, effective _____)

Section 762.1060 Electronic Documents and the Hearing Process

If any electronic document is offered and received at a hearing in an arbitration proceeding, the official copy is the electronic document as filed and found in the e-Docket system. If a prefiled electronic document is submitted without alteration at hearing, any requirement to offer multiple copies at hearing and to have the copies stamped is eliminated. If any prefiled

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electronic document is altered at hearing in any way, the sponsoring party must serve the complete altered electronic document on the Commission and the other parties of record within seven days after that hearing or, if applicable, within seven days after the end of a continuous, day-to-day set of hearings,
unless otherwise directed by the Hearing Examiner.

(Source: Added at 24 Ill. Reg. _____)

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Heading of the Part: Arbitration Practice	Code Citation: 83 Ill. Adm. Code 761	Proposed Action:
1) Heading of the Part: Arbitration Practice		Proposed Action:
2) Code Citation: 83 Ill. Adm. Code 761		Proposed Action:
3) Section Numbers:		Proposed Action:
	761.30	Amendment
	761.100	Amendment
	761.105	New Section
	761.130	Amendment
	761.140	Amendment
	761.200	Amendment
	761.240	Amendment
	761.440	Amendment
	761.1000	New Section
	761.1010	New Section
	761.1020	New Section
	761.1030	New Section
	761.1040	New Section
	761.1045	New Section
	761.1050	New Section
	761.1060	New Section

4) Statutory Authority: Implementing Section 252 of the Communications Act of 1934 (47 USC 252) and Section 10-101 of the Public Utilities Act and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/10-101] and Section 25-101 of the Electronic Commerce Security Act [5 IICs 175/25-101].

5) A Complete Description of the Subjects and Issues Involved: This rulemaking amends current Commission rules to allow electronic filing in the subject cases. The rulemaking adds Subpart F that establishes a mechanism for persons to apply for and receive e-Docket accounts, provides formats for the sending of electronic documents and control processes, and specifies the purposes for which electronic documents may be used in Commission arbitration proceedings.

6) Will these proposed amendments replace emergency amendments currently in effect? Yes

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: These proposed amendments neither create nor expand any state mandate on units of local government, school districts, or community college districts.

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11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments should be filed within 45 days after the date of this issue of the Illinois Register with:

Donna M. Caton
Chief Clerk
Illinois Commerce Commission
527 East Capitol Avenue
P.O. Box 19280
Springfield IL 62794-9280
217/782-7434

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: These amendments will affect any telecommunications carriers that are also small businesses as defined in the Illinois Administrative Procedure Act.

B) Reporting, bookkeeping or other procedures required for compliance:
Filing procedures

C) Types of professional skills necessary for compliance: Legal skills

13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent agendas because: It was not anticipated that the rulemaking would be submitted for First Notice at this time.

The full text of the Proposed Amendments begins on the next page.

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TITLE 83: PUBLIC UTILITIES
CHAPTER I: ILLINOIS COMMERCE COMMISSION
SUBCHAPTER F: TELEPHONE UTILITIES

PART 761

ARBITRATION PRACTICE

SUBPART A: GENERAL PROVISIONS

Section	761.10	Procedure Governed by this Part
	761.20	Deviation from Definitions
	761.30	Authority of Hearing Examiner

SUBPART B: FORM, FILING AND SERVICE OF DOCUMENTS

Section	761.40	Federal Preemption of State Court Review
	761.50	Service

SUBPART C: PRE-ARBITRATION PROCEDURE AND DISCOVERY

Section	761.100	Communications to the Commission
	761.105	Form of Pleadings and Documents
	761.110	Filing of Petition for Arbitration
	761.130	Contents of Documents
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	761.150	Service

SUBPART D: ARBITRATION PROCEDURE

Section	761.200	Pre-arbitration Conferences
	761.210	Schedule of Pre-arbitration Procedure and Discovery
	761.220	Failure to Comply with a Discovery Order or a Subpoena
	761.230	Motion to Quash Subpoena Protective Orders
	761.240	

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SUBPART E: POST-HEARING PROCEDURE

Section 761.400 Briefs
 761.410 Draft Proposed Arbitration Decisions
 761.420 Hearing Examiner's Proposed Arbitration Decision
 761.430 Exceptions; Reply
 761.440 Filing of Briefs
 761.450 Oral Argument
 761.460 Additional Hearings
 761.470 Reopening on Motion of the Commission

SUBPART F: ELECTRONIC FILING

Section 761.1000 Overview of Electronic Filing
 761.1010 Acceptable Formats
 761.1020 e-Docket Accounts
 761.1030 Control Processes
 761.1040 Submission of Electronic Documents
 761.1045 Electronic Documents Accepted by the Commission
 761.1050 Service by Electronic Means
 761.1060 Electronic Documents and the Hearing Process

AUTHORITY: Implementing Section 252 of the Communications Act of 1934 (47 USC 252) and Section 10-101 of the Public Utilities Act and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/10-101] and Section 25-101 of the Electronic Commerce Security Act [5 ILCS 175/25-101].

SOURCE: Emergency rules adopted at 20 Ill. Reg. 8541, effective June 18, 1996, for a maximum of 150 days; emergency rules suspended at 20 Ill. Reg. 14289, effective November 1, 1996; emergency suspension withdrawn at 21 Ill. Reg. 5660, effective May 2, 1997; adopted at 21 Ill. Reg. 6468, effective May 16, 1997; emergency amendment at 24 Ill. Reg. _____, effective May 22, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 761.30 Definitions

Unless otherwise defined, the following terms as used in this Part shall have the following meanings:

"Commissioner" means a member of the Commission.

"Documents" means petitions, responses, amended and supplemental petitions, written discovery, responses to discovery, verified

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statements, verified exhibits, depositions, motions, responses, replies, notices, proposed arbitration decisions, exceptions to Hearing Examiners' proposed arbitration decisions, briefs, draft proposed arbitration decisions, and similar writings.

"Electronic" includes electrical, digital, magnetic, optical, electromagnetic, or any other form of technology that entails capabilities similar to these technologies. [220 ILCS 5/3-122]

"Electronic document" means a pleading or a document transmitted by electronic means to the Commission with an electronic signature attached.

"Electronic record" means a record generated, communicated, received, or stored by electronic means for use in an information system or for transmission from one information system to another. [5 ILCS 175/5-105]

"Electronic signature" means a signature in electronic form issued by the Commission pursuant to Section 761.1020 and consisting of a user I.D. and password attached to or logically associated with an electronic document.

"E-mail address" means a destination, commonly expressed as a string of characters, to which electronic mail may be sent or delivered. [815 ILCS 51/5]

"Hearing Examiner" means a person employed by the Commission under Section 2-106 of the Public Utilities Act, who is assigned to conduct arbitration proceedings pursuant to Section 252 of the Communications Act of 1934 (47 USC 83c-252). A Commissioner may also serve as a Hearing Examiner for purposes of this Part.

"Party" means any person who initiates a Commission proceeding by filing a petition for arbitration or a person entitled to file a response to a petition for arbitration pursuant to Section 252(b)(3) of the Communications Act of 1934. Staff is not a party but shall have the specific rights and duties of parties as enumerated in this Part. No other person shall be granted party status or be allowed to intervene.

"Person" means any individual, partnership, corporation, governmental body or unincorporated association.

"Petitioner" means a party who, by written petition, applies for or seeks relief through arbitration pursuant to Section 252(b) of the Communications Act of 1934.

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"Pleading" means any petition, motion, reply or response filed in writing with the Commission in an arbitration proceeding.

"Respondent" means a party against whom a petition is filed.

"Staff" or "Commission Staff" means individuals employed by the Commission. For purposes of this Part, a Hearing Examiner is not considered a member of the Commission Staff.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

SUBPART B: FORM, FILING AND SERVICE OF DOCUMENTS

Section 761.100 Communications to the Commission

All paper documents to be filed with or submitted to the Commission shall be addressed to: The Chief Clerk, Illinois Commerce Commission, 527 East Capitol Avenue, Springfield, Illinois 62701 62706. All formal paper communications and documents are deemed to be officially filed or submitted only when delivered to the principal office of the Commission. The Chief Clerk is the official custodian of all Commission records.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 761.105 Form of Pleadings and Documents

- a) All pleadings and documents filed with the Commission shall be typewritten or printed on paper cut or folded or capable of being printed on paper 8 1/2 inches by 11 inches and shall have inside margins of one inch. All exhibits of a documentary character shall, whenever practical, conform to these requirements of size and margin. The impression shall be on one side of the paper only and shall be double spaced; footnotes and quotations may be single spaced and indented.
- b) All pleadings or other documents shall be composed in either Arial or Times New Roman font and shall be at least 12-point or larger.
- c) Reproductions may be by any process, provided that all copies are clear and permanently legible.

(Source: Added at 24 Ill. Reg. _____, effective _____)

Section 761.130 Contents of Documents

- a) All documents submitted in arbitration proceedings before the Commission shall display the docket number of the proceeding.

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Documents initiating a new arbitration proceeding shall leave a space for the docket number. All documents shall also include the full name, address, facsimile number, e-mail address, and telephone number of the person or the representative of the person filing the document. b) The original of every document filed with the Commission shall be signed by the party filing the same or by an officer or agent. The factual assertions contained in all documents shall be verified by the filing party before a notary public. The verification shall be in form and substance as follows:

I, _____, do on oath depose and state that the facts contained in the foregoing document are true and correct to the best of my knowledge and belief.

SIGNATURE OF PERSON VERIFYING DOCUMENT

SIGNED AND SWEARN TO BEFORE ME THIS _____ DAY OF _____, (year) 199--.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

NOTARY PUBLIC

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 761.140 Copies of Documents

- a) For proceedings initiated prior to January 1, 2000, all documents shall be filed with the Chief Clerk in one original and two copies, unless otherwise specified in this Part.
- b) For proceedings initiated after January 1, 2000, the original of any document shall be filed with the Chief Clerk.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

SUBPART C: PRE-ARBITRATION PROCEDURE AND DISCOVERY

Section 761.200 Pre-arbitration Conferences

- a) Upon direction of the Commission or on his or her own motion, the Hearing Examiner may request all parties to attend a pre-arbitration conference. Notice of the pre-arbitration conference shall be given in writing, telephone, email, or telephone facsimile not later than

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24 hours before the pre-arbitration conference. Such a conference may be held for any purpose, including, but not limited to:

- 1) Scheduling;
- 2) Identification and simplification of issues;

- 3) Amendments to documents;

- 4) Limitations on the number of witnesses;

- 5) The issuance of rulings denying, limiting, conditioning or regulating discovery;

- 6) The issuance of rulings supervising all or any part of any discovery procedure; and

- 7) Such other matters as may aid in the simplification of the issues and disposition of the proceeding.

(Source: Amended at 24 Ill. Reg. _____) effective _____

SUBPART E: POST-HEARING PROCEDURE

a) At any time during the pendency of a proceeding, the Commission or the Hearing Examiner may, on the motion of any person, enter an order to protect the confidential, proprietary or trade secret nature of any data, information or studies.

b) A person filing a motion for a protective order shall specify the proposed expiration date for the proprietary status of the data, information or studies. The proposed expiration date shall be no more than five years from the date of submission. If no date is specified, the proposed expiration date for the proprietary status of the data, information or studies shall be two years from the date of submission. An electronic document submitted and marked as proprietary shall be treated as a request for a protective order under this Section.

c) A public redacted version of each document submitted pursuant to this Section must also be submitted with the proprietary version.

(Source: Amended at 24 Ill. Reg. _____) effective _____

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SUBPART F: ELECTRONIC FILING

Section 761.1000 Overview of Electronic Filing

One of the stated purposes of the Electronic Commerce Security Act is to facilitate electronic filing of documents with state and local government agencies, and promote efficient delivery of government services by means of reliable electronic records. [5 ILCS 175/1-105(3)] The Electronic Commerce Security Act authorizes state agencies to send and receive electronic records and electronic signatures. In addition, the Commission has the authority over its process and proceedings pursuant to Section 10-101 of the Public Utilities Act [220 ILCS 5/10-101]. To that end, the Commission is committed to facilitating the filing, distributing, and accessing of documents electronically subject to this Part. The Commission has created an electronic filing system known as "e-Docket". e-Docket is a Web based program that allows electronic filing, management, and access to electronic records that make up case files. Any person may file a document in an electronic format. However, nothing in this Part should be construed to require any person to file any document in an electronic format.

(Source: Added at 24 Ill. Reg. _____) effective _____

Section 761.1010 Acceptable Formats

a) All electronic documents submitted to the Commission via e-Docket shall be in one of the following formats:

- 1) Microsoft Word for Windows, version 6.0 and greater;
- 2) Corel WordPerfect for Windows, version 6.0 and greater;
- 3) Microsoft Excel for Windows, version 4.0 and greater;
- 4) Lotus 1-2-3 for Windows, version 4.0 and greater;
- 5) ASCII Text;
- 6) Adobe Acrobat 2.0 and greater.

b) All e-Docket electronic records will be stored by the Commission in Adobe Acrobat Portable Document Format (PDF). Electronic documents not submitted in the PDF format will be converted to PDF by the Commission.

c) The Commission encourages persons to submit electronic documents in PDF.

Section 761.440 Filing of Briefs

a) For arbitration proceedings initiated prior to January 1, 2000, an original and eight copies of all briefs shall be filed with the Commission.

b) For arbitration proceedings initiated after January 1, 2000, an original copy of a brief shall be filed with the Commission.

(Source: Amended at 24 Ill. Reg. _____) effective _____

Section 761.1020 e-Docket Accounts

a) Each person seeking to file electronic documents must have an active e-Docket account.

b) The application for an e-Docket account is available on e-Docket on

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the Commission's Web site or can be obtained by calling or e-mailing the e-Docket help desk.

c) The e-Docket application requires the following information:

- 1) First name and last name;
- 2) Primary mailing address and phone number;
- 3) Preferred user name;
- 4) Password;
- 5) Challenge question and answer; and
- 6) Notarized signature.

d) Applications must be hand-delivered or mailed to the e-Docket help desk. The user is responsible for keeping confidential the user I.D. and password. A user I.D. must be at least four characters in length and must be unique. Passwords must be at least five characters in length. Periodically passwords will expire and users will be given advance notice and requested to enter a new password. The challenge question and answer will enable e-Docket to recover a password for a user who has forgotten his or her password.

e) Because of the unique user I.D. and password, an electronic document can be traced to a specific individual as if it were signed. This shall serve as an electronic signature on such filings.

(Source: Added at 24 Ill. Reg. _____, effective _____)

Section 761.1030 Control Processes

a) e-Docket allows only users with I.D. and passwords to file electronic documents.

b) Only members of the service list for a particular arbitration proceeding are allowed to file electronic documents in that case.

c) Filings are scanned for computer viruses prior to being uploaded into the e-Docket system and will be rejected if the filing is infected. The submitter of such an electronic document will be notified of the rejection.

d) The Web browser must be set to accept cookies in order for users to submit electronic documents. Cookies identify users and instruct the server to send a customized version of the requested Web page to the user. Cookies also submit account information for the user.

e) e-Docket logs every filing with the user I.D., date, time, and file size information.

(Source: Added at 24 Ill. Reg. _____, effective _____)

Section 761.1040 Submission of Electronic Documents

a) Persons filing electronic documents shall receive a receipt with an

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identification number that shall be sent electronically. Documents that are required to be verified or that have an affidavit shall be deemed to be officially filed or received only when the person submitting the electronic document submits to the Commission the original verification page(s) accompanied by a printed copy of the electronic record for that document.

b) The filing of an electronic document is effective upon acceptance of the complete document and any required original verification page(s) by the Chief Clerk of the Commission in one of the formats specified in Section 761.1010(a).

(Source: Added at 24 Ill. Reg. _____, effective _____)

Section 761.1045 Electronic Documents Accepted by the Commission

All documents either initiating an arbitration proceeding subject to this Part or filed in a proceeding subject to this Part may be submitted to the Commission as electronic documents.

(Source: Added at 24 Ill. Reg. _____, effective _____)

Section 761.1050 Service by Electronic Means

a) Service by electronic means is allowed when agreed to by individual parties. Notwithstanding Section 761.150, any party required to serve a pleading or other document may serve copies of pleadings and other documents on other parties of record by electronic means in substitution of first class mail. Because of pagination and format concerns, the parties are encouraged to serve in PDF format. When serving by electronic means, service is deemed complete on the day of electronic transmission if transmitted prior to 5:00 p.m. on that day.

b) If any party files a proprietary electronic document (see Section 761.240), that party must serve the proprietary electronic document on any other party of record that has the right to see the document through any means, such as a confidentiality agreement. The e-Docket system does not allow any person outside of the Commission to see or access proprietary electronic documents.

(Source: Added at 24 Ill. Reg. _____)

Section 761.1060 Electronic Documents and the Hearing Process

If any electronic document is offered and received at a hearing in an arbitration proceeding, the official copy is the electronic document as filed and found in the e-Docket system. If a prefiled electronic document is

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submitted without alteration at hearing, any requirement to offer multiple copies at hearing and to have the copies stamped is eliminated. If any prefilled electronic document is altered at hearing in any way, the sponsoring party must serve the complete altered electronic document on the Commission and the other parties of record within seven days after that hearing or, if applicable, within seven days after the end of a continuous, day-to-day set of hearings, unless otherwise directed by the Hearing Examiner.

(Source: Added at 24 Ill. Reg. _____, effective _____)

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Heading of the Part: Rules of Practice

Code Citation: 83 Ill. Adm. Code 200

Section Numbers:

<u>Proposed Action:</u>	
Amendment	200.40
Amendment	200.60
Amendment	200.70
Amendment	200.80
Amendment	200.90
Amendment	200.100
Amendment	200.110
Amendment	200.120
Amendment	200.130
Amendment	200.150
Amendment	200.170
Amendment	200.180
New Section	200.185
Amendment	200.200
Amendment	200.300
Amendment	200.360
Amendment	200.430
Amendment	200.540
Amendment	200.610
Amendment	200.625
Amendment	200.700
Amendment	200.710
Amendment	200.840
Amendment	200.860
Amendment	200.880
New Section	200.1000
New Section	200.1010
New Section	200.1020
New Section	200.1030
New Section	200.1040
New Section	200.1045
New Section	200.1050
New Section	200.1060

4) Statutory Authority: Implementing and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/10-101], Section 18c-1202 of the Illinois Commercial Transportation Law [625 ILCS 5/18c-1202], Section 18a-200 of the Illinois Commercial Relocation of Trespassing Vehicles Law [625 ILCS 5/18a-200], Section 10 of the Electric Supplier Act [220 ILCS 30/101], and Section 25-101 of the Electronic Commerce Security Act [5 ILCS 175/25-101].

5) A Complete Description of the Subjects and Issues Involved: These proposed

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amendments will update obsolete statutory references and update Sections that quote statutory language where such language has changed since adoption of the previous amendment of the Section. This rulemaking amends current Commission rules to allow electronic filing and adds Subpart F that establishes a mechanism for persons to apply for and receive e-Docket accounts, provides formats for the sending of electronic documents and control processes, and specifies the purposes for which electronic documents may be used in Commission proceedings.

6) Will these proposed amendments replace emergency amendments currently in effect? Yes

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: These proposed amendments neither create nor expand any state mandate on units of local government, school districts, or community college districts.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments should be filed within 45 days after the date of this issue of the Illinois Register with:

Donna M. Caton
Chief Clerk
Illinois Commerce Commission
527 East Capitol Avenue
P.O. Box 19280
Springfield IL 62794-9280
(217)782-7434

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: These amendments will affect any small businesses, small municipalities and not for profit corporations that are parties in docketed proceedings before the Commission.

B) Reporting, bookkeeping or other procedures required for compliance: Filing procedures

C) Types of professional skills necessary for compliance: Legal skills

13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking

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was not included on either of the two most recent agenda because: It was not anticipated that the rulemaking would be submitted for First Notice at this time.

The full text of the proposed Amendments begins on the next page:

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TITLE 83: PUBLIC UTILITIES

CHAPTER I: ILLINOIS COMMERCE COMMISSION
SUBCHAPTER b: PROVISIONS APPLICABLE TO
MORE THAN ONE KIND OF UTILITY

PART 200

RULES OF PRACTICE

SUBPART A: GENERAL PROVISIONS

Section

- Procedure Governed
- Construction of This Part
- Standards for Discretion
- Deviation from This Part
- Definitions
- Office
- Open Meetings
- Communications to the Commission
- Computation of Time
- Appearances
- Class Actions Prohibited

SUBPART B: FORM, FILING AND SERVICE OF PLEADINGS

Section

- Contents of Pleadings and Documents
- Forms of Pleadings and Documents
- Copies of Pleadings
- Signature and Verification
- Amendments
- Service
- Informal Complaints
- Formal Complaints
- Answers
- Satisfaction of Complaint
- Motions
- Intervention
- Petition for Rulemaking
- Declaratory Rulings

SUBPART C: PREHEARING PROCEDURE AND DISCOVERY

- Prehearing Conferences
- Other Prehearing Submissions
- Facts Disclosed Privileged
- Recordation and Order

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TITLE 83: PUBLIC UTILITIES

CHAPTER I: ILLINOIS COMMERCE COMMISSION
SUBCHAPTER b: PROVISIONS APPLICABLE TO
MORE THAN ONE KIND OF UTILITY

PART 200

RULES OF PRACTICE

SUBPART A: GENERAL PROVISIONS

- Application of Discovery Rules Contained in Sections 200.340 through 200.430
- Policy on Discovery
- Discovery by Staff Witnesses
- Reasonable Attempts to Resolve Differences Required
- Depositions and Other Discovery Procedures
- Supervision of Discovery
- Subpoenas
- Motion to Quash Subpoena
- Service and Fees Payable
- Time Limits on Discovery
- Failure to Comply With a Discovery Order or a Subpoena Protective Orders

SUBPART D: HEARING PROCEDURE

Section

- Authority of Hearing Examiner
- Recessing Hearing For Conference or Discussion
- Disqualification of Hearing Examiner
- Interlocutory Review of Hearing Examiner's Ruling
- Paper Hearings
- Notice, Time and Place of Hearings
- Recording Appearance at Hearings
- Failure to Appear or to Exercise Diligence in Proceeding
- Continuances
- Order of Procedure and Receiving Evidence
- Transcripts
- Conduct at Hearings
- Consolidation and Severance
- Procedure for the Identification and Treatment in Hearings of Confidential or Proprietary Information or a Trade Secret
- Evidence
- Waiver of Cross-examination
- Testimony to be Under Oath or Affirmation
- Examination of Adverse Party or Agent
- Stipulation of Facts
- Administrative Notice
- Records of Other Proceedings
- Prepared Testimony
- Exhibits
- Objections
- Offer of Proof
- Record in Commission Proceedings
- Ex Parte Communications

SUBPART E: POST-HEARING PROCEDURE

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Section
200.800 Briefs

Hearing Examiner's Recommended or Proposed Order

200.810 Draft Orders

200.820 Exceptions; Reply

200.830 Filing of Briefs

200.840 Oral Argument

200.850 Commission Order

200.860 Additional Hearings

200.875 Post-Record Data

200.880 Rehearing

200.890 Appeals

200.900 Reopening on Motion of the Commission

SUBPART F: ELECTRONIC FILING

Section
200.100 Overview of Electronic Filing

200.1010 Acceptable Formats

200.1020 e-Docket Accounts

200.1030 Control Processes

200.1040 Submission of Electronic Documents Accepted by the Commission

200.1045 Electronic Documents Accepted by the Commission

200.1050 Service by Electronic Means

200.1060 Electronic Documents and the Hearing Process

AUTHORITY: Implementing and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/10-101], Section 18c-1202 of the Illinois Commercial Transportation Law [625 ILCS 5/18c-1202], Section 18a-200 of the Illinois Commercial Relocation of Trespassing Vehicles Law [625 ILCS 5/18a-200], Section 10 of the Electric Supplier Act [220 ILCS 30/10], and Section 25-101 of the Electronic Commerce Security Act [5 ILCS 175/25-101].

SOURCE: Filed and effective January 15, 1990; codified at 8 Ill. Reg. 18459; old rules repealed and new part adopted at 9 Ill. Reg. 5627, effective April 15, 1985; emergency amendments at 10 Ill. Reg. 1277, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 10481, effective May 30, 1986; amended at 18 Ill. Reg. 7748, effective May 15, 1994; amended at 20 Ill. Reg. 10607, effective August 15, 1996; emergency amendment at 24 Ill. Reg. _____, effective May 22, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 200.40 Definitions

Unless otherwise defined, the following terms as used in this Part shall have the following meanings:

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"Commission" means the Illinois Commerce Commission.

"Commissioner" means a member of the Commission.

"Complainant" means a person who complains to the Commission by formal written complaint of any acts or things done or omitted to be done in violation, or claimed to be in violation, of the jurisdictional acts or of any order or rule of the Commission.

"Contested case" means any proceeding, not including rate making, rulemaking, quasi-legislative, informational or similar proceedings, where individual legal rights, duties or privileges of a party are required by law to be determined by the Commission after an opportunity for a hearing. [5 ILCS 100/1-30] ~~¶1985-CH-227r-Par-1003-02-7~~ With respect to proceedings under the Public Utilities Act, however, complaint cases initiated pursuant to any section of that Act, investigative proceedings and ratemaking cases shall be considered "contested cases". [220 ILCS 5/10-101] ~~¶1985-CH-111-2/37-par-10-101t~~

"Electronic" includes electrical, digital, magnetic, optical, electromagnetic, or any other form of technology that entails capabilities similar to these technologies. [220 ILCS 5/3-122]

"Electronic document" means a pleading or a document transmitted by electronic means to the Commission with an electronic signature attached.

"Electronic record" means a record generated, communicated, received, or stored by electronic means for use in an information system or for transmission from one information system to another. [5 ILCS 175/5-105]

"Electronic signature" means a signature in electronic form issued by the Commission pursuant to Section 200.1020 and consisting of a user I.D. and password attached to or logically associated with an electronic document.

"E-mail address" means a destination, commonly expressed as a string of characters, to which electronic mail may be sent or delivered. [815 ILCS 511/5]

"Hearing Examiner" means an employee of the Commission, or a Commissioner, designated by the Commission to conduct hearings and take evidence, who shall have additional powers as are provided by the Electric Supplier Act [220 ILCS 30/1] ~~¶1985-CH-227r-Par-1003-02-7~~, the Illinois Commercial Relocation of Trespassing Motor Vehicles Law [625 ILCS 5/Ch. 18A] ~~¶1985-CH-227r-Par-1003-02-7~~.

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~~19857-ch-95-1-27-par-10a-100-1-27-seq.~~, the Illinois Commercial Transportation Law [ICTL] [625 ILCS 5/Ch. 18C] ~~titl-Rev-Stat-19857 ch-95-1-27-par-10a-100-1-27-seq.~~, the Public Utilities Act [220 ILCS 5/1] and the Illinois Administrative Procedure Act [5 ILCS 100] ~~titl-Rev-Stat-1997-ch-127-par-100-1-27-seq.~~.

~~4.FEPB~~" means the Illinois Commercial Transportation Law ~~titl-Rev-Stat-19857-ch-95-1-27-par-10a-100-1-27-seq.~~.

"Intervenor" means a person who, upon written petition, is permitted to intervene in any proceeding before the Commission; provided that, in the case of any inquiry, investigation or hearing under the Public Utilities Act on any matter relating to rates or other charges or services within any city, such city may become a party to the proceeding and an intervenor by filing with the Commission a written appearance of its attorney or authorized representative.

"License." A license includes the whole or part of any permit, certificate, approval, registration or similar type of permission required by law. [5 ILCS 100/1-35] ~~titl-Rev-Stat-19857-ch-1277 par-1003-05~~.

"Licensing Proceeding" means the Commission process respecting the grant, denial, renewal, revocation, suspension, annulment, withdrawal or amendment of a license, when required by law to be preceded by notice and opportunity for hearing ~~titl-Rev-Stat-19857-ch-1277 par-1003-05-and-1010~~. [5 ILCS 100/1-40].

"Non-party participant" means a person who either through testimony or a statement comments on any matter pending before the Commission. A non-party participant is not an "Intervenor" and does not have the rights of an intervenor. A person need not file a petition to become a non-party participant but must comply with those procedures established by the Hearing Examiner.

"Party" means any person who initiates a Commission proceeding by filing an application, complaint or petition with the Commission, or who is named as a respondent, or who is allowed by the Commission or by statute to intervene in a proceeding. Such a party to a proceeding before the Commission may be an applicant, complainant, intervenor, petitioner or respondent. Staff witnesses are not parties but shall have the specific rights and duties enumerated in this Part.

"Person" means any individual, partnership, corporation, governmental body or unincorporated association.

"Petitioner" or "Applicant" means a party who by written petition or application applies for or seeks relief under any provisions of the

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jurisdictional acts or any order or rule of the Commission and who is not otherwise designated in this Section.

"Pleading" means any application, complaint, motion, petition or answer filed in writing with the Commission in a formal proceeding.

"Public Utilities Act" means the Public Utilities Act ~~titl-Rev-Stat-19857-ch-11-27-Par-1-101-etc-seq.~~ [220 ILCS 5/]

"Respondent" means a party against whom a complaint or petition is filed, or a party who, by reason of interest in the subject matter of a petition or application or the relief sought therein, is made a respondent, or a party to whom an order is directed by the Commission initiating a proceeding, including public utilities, telecommunications carriers and carriers under the ICTL which have filed tariff schedules that are suspended for investigation by the Commission.

"Staff" or "Commission Staff" means individuals employed by the Commission. For purposes of this Part, a Hearing Examiner is not considered a member of the Commission Staff.

"Staff witness" means a member of the Commission staff, excluding counsel, who testifies or enters an appearance in a particular proceeding before the Commission. Except for staff witnesses, this definition shall not limit the utilization of Commission staff as technical advisors to the Hearing Examiner or Commission.

(Source: Amended at 24 Ill. Reg. ~~_____~~)

Section 200.60 Open Meetings

a) The Commission shall comply with the provisions of the Open Meetings Act [5 ILCS 120].

b) Emergency meetings may be called by the Chairman or a majority of the Commission. Nothing in this Part shall prohibit the Commission from conducting meetings partially or wholly by means of telecommunications.

c) The agenda for each regular meeting shall be posted at the Commission's principal office in Springfield, in an area easily accessible to the public, at the earliest practicable date but in no event less than 48 hours prior to the scheduled meeting. Whenever practicable, similar posting of the agenda shall be made in the Commission's offices in Chicago and on the Commission's Web site (<http://www.icc.state.il.us>). A supplemental agenda of matters added subsequent to the initial agenda shall be posted when practicable. Agendas for regular meetings are for information only. Inclusion of

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an item on the agenda shall not require the Commission to consider it, and absence of an item from the agenda shall not preclude the Commission from considering or acting upon it. Notices and agendas may be obtained from the Chief Clerk's office in Springfield and Chicago.

d) Participation in meetings is limited to Commissioners, Hearing Examiners, and Commission staff other than staff witnesses. Others may participate in Commission meetings on invitation of the Commission except where precluded by Section 200.710. The Commission shall take those actions necessary to permit its deliberations to be conducted in an orderly manner.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 200.70 Communications to the Commission

a) All formal written communications and documents to be filed with or submitted to the Commission shall be addressed to: The Chief Clerk, Illinois Commerce Commission, 527 East Capitol Avenue, Springfield, Illinois 62701 62706. Petitions, complaints and other filings that initiate a proceeding or petitions for interlocutory review shall be deemed to be officially filed or submitted only when received at the principal office of the Commission. The Chief Clerk is the official custodian of all Commission records. Unless the Public Utilities Act or other applicable statute specifically provides otherwise, or the Hearing Examiner specifically provides otherwise in the interest of a fair hearing, all other formal written communications and documents shall be deemed officially filed or submitted either when received at the principal office of the Commission or:

- 1) if transmitted through the United States mail, shall be deemed filed with or received by the Commission on the date shown by the post office cancellation mark stamped upon the envelope or other wrapper containing it. If transmitted by a private express courier service, shall be deemed filed with or received by the Commission upon delivery to the courier service;

- 2) if mailed or deposited with a private express courier service but not received by the Commission or, if received but without a cancellation mark or with the cancellation mark illegible or erroneous, shall be deemed filed with or received by the Commission on the date it was sent or deposited, provided a proof of filing by certificate of attorney, acknowledgement of receipt, or affidavit is provided to the Commission showing that the writing was deposited, properly addressed, in the United States mail or with a private express courier service on or before the date on which it was required or authorized to be filed. In cases in which the writing was mailed or deposited with a private express courier service but not received, the sender must also

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file with the Commission a duplicate writing, within 10 days after notification is given to the person claiming to have sent the writing, of nonreceipt of the writing:

- 3) if a writing is sent by United States registered mail, certified mail or certificate of mailing, a record authenticated by the United States Postal Service of such registration, certification or certificate shall be considered competent evidence that the writing was mailed. The date of registration, certification or certificate shall be deemed the postmarked date.
- b) In an emergency, upon affidavit specifying the emergency and affirming that no person will be prejudiced, the Chief Clerk or his/her designated representative shall authorize filing in the Chicago office of the Commission.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 200.80 Computation of Time

The time within which an Act is to be done as provided in any rule or order promulgated by the Commission shall be computed by excluding the first day and including the last, unless the last day is Saturday or Sunday or is a holiday as defined or fixed in any statute now or hereafter in force in this State, and then it shall also be excluded. If the day succeeding such Saturday, Sunday or holiday is also a holiday or a Saturday or Sunday then such succeeding day shall also be excluded. [5 ILCS 70/1.111 titl.Rev.Stat.--19897--ch--17--part 1012].

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 200.90 Appearances

a) Any party may appear by an attorney at law authorized to practice in the State of Illinois; attorneys admitted to practice in states other than Illinois may appear and be heard upon special leave of the Hearing Examiner in particular cases. In determining whether to grant such leave, the Hearing Examiner shall consider, in addition to the goals set forth in Section 200.25, whether the state in which the attorney is admitted to practice grants leave to Illinois attorneys in similar situations.

b) A natural person may appear in his or her own behalf.

c) A corporation or association may appear by any bona fide officer, employee or representative. Only persons admitted to practice as attorneys and counsellors at law shall represent others in proceedings before this Commission in any matter involving the exercise of legal skill or knowledge.

d) When staff witnesses are represented by an attorney, their appearance

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shall be made by their attorney or attorneys. All Commission staff witnesses not represented by counsel, who speak at any hearing, shall enter an appearance.

e) All persons appearing in proceedings before the Commission shall conform to the standards of conduct of attorneys before the courts of Illinois. These standards are set forth in the Illinois Rules of Professional Conduct [S. Ct. Rules of Prof. Conduct, Art. VIII] Code of Professional Responsibility--Title--Statute--1985--ch--10A7 Article--VIII. If any person does not conform to such standards, the Hearing Examiner may decline to permit such person to appear in any proceeding.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

SUBPART B: FORM, FILING AND SERVICE OF PLEADINGS

Section 200.100 Contents of Pleadings and Documents

All pleadings and documents in proceedings before the Commission to which a docket number has been assigned shall prominently display the such docket number. Pleadings and documents initiating a new proceeding shall leave a space for the docket number. All pleadings shall also include the following information:

- a) The full name, address, facsimile number, e-mail address, and telephone number of the person or the representative of the person filing the pleadings.
- b) A plain and concise statement of any facts upon which the pleadings are based.
- c) The specific relief sought, which may be in the alternative, including the statutory authority or rule and regulation upon which such relief is sought.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 200.110 Forms of Pleadings and Documents

- a) All pleadings and documents filed with the Commission shall be typed or printed on paper cut or folded or capable of being printed on paper 8 1/2 inches by 11 inches typed or printed on paper-cut-or-folded-so-that-the-size-shall-not-exceed-a-width-of-8-1/2 inches-and-a-length-of-11-inches and shall have inside margins of one inch not--less--than--1--inch--wide. All exhibits of a documentary character shall, whenever practical, conform to these said requirements of size and margin. The if-typedwritten--the impression shall be on one side of the paper only and shall be double spaced; footnotes and quotations may be single spaced and indented.

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b) All pleadings or other documents shall be composed in either Arial or Times New Roman font and shall be at least 12-point or larger. Persons filing a formal complaint pursuant to Section 200.170 using the complaint form provided by the Commission may complete the form in handwriting.

c) Reproductions may be by any process, providing that all copies are clear and permanently legible.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 200.120 Copies of Pleadings

- a) For dockets initiated before January 1, 2000:
 - 1a) Pleadings shall be filed with the Chief Clerk in one original and two copies, unless otherwise specified in this Part;
 - 2b) Initial pleading in proceedings under the Public Utilities Act shall be filed with the Chief Clerk in one original and three copies.
- b) For dockets initiated after January 1, 2000, only one original shall be filed.

(Source: Amended at 24 Ill. Reg. _____)

Section 200.130 Signature and Verification

The original of every pleading filed with the Commission shall be signed by the party filing the same or by an officer, agent or attorney therefor, provided that petitions filed under Section 7-102 of the Public Utilities Act [220 ILCS 5/7-102] ~~filed--Revised--Statute--1985--ch--111-2-3-7-102~~ shall be signed by the persons) specified in that Section section. The contents of all formal complaints, petitions, applications, petitions to intervene, supplemental formal complaints and supplemental petitions shall be verified by the filing party before a notary public.

(Source: Amended at 24 Ill. Reg. _____)

Section 200.150 Service

- a) Formal complaints will be served by the Commission only.
- b) Petitions, applications, answers, intervening petitions, supplemental complaints and petitions, amendments to pleadings, written motions, responses, replies, notices, suggested findings of fact and conclusions of law, exceptions to Hearing Examiners' proposed orders, briefs, drafts or suggested forms of order, applications for further hearing, petitions for rehearing, and similar documents shall be filed

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with the Chief Clerk of the Commission and shall be served by the person filing same upon all parties to the proceeding and upon Staff and the Hearing Examiner, if any, and, when filed, shall be accompanied by proof of service upon all parties. In addition, any person filing a petition under Section 8-406 of the Public Utilities Act [220 ILCS 5/8-406] for a certificate of public convenience and necessity to serve as a water or sewer public utility shall serve a written copy of the petition on each municipality which is located partly or wholly within the area proposed to be certificated, or whose corporate boundary lies within 1 1/2 miles of such area.

c) Service of paper documents. Except as otherwise provided in this Subpart or by the Commission or the Hearing Examiner, service of paper documents shall be made by delivering in person or by depositing in the United States mail, properly addressed with first class postage prepaid, or by depositing with a private express courier service, properly addressed with charges prepaid or payment arrangements made, one copy to each person entitled thereto. Service by mail is effective upon mailing; service by a private express courier service is effective upon delivery to the private express courier service. Service of petitions for interlocutory review shall be effective upon receipt by the party served. When staff witnesses or any party or parties have appeared by an attorney, service upon the attorney shall be deemed service upon such persons. Notices under the ICM shall be served as provided in Sections 18c-1801 and 18c-1802 of that statute [625 ILCS 5/18c-1801 and 18c-1802]. Service is effective on a public utility, telecommunications carrier, carrier under the ICTL or other entity regulated by the Commission, if mailed to the last address on file with the Commission. Except as otherwise provided by the Commission or the Hearing Examiner, whenever Staff or a party has the right or is required to do some act within a prescribed period after the service of a notice or other document upon Staff or the party, and the notice or other document is served upon Staff or the party by mail, four days shall be added to the prescribed period.

d) Proof of service of any paper document shall be by certificate of attorney, acknowledgement of receipt, or affidavit, except that proof of service on the Commission is made pursuant to Section 200.70.

e) In any proceeding involving more than four parties, the Chief Clerk shall prepare and disseminate to all parties a service list showing the name and address and any e-mail address of each person entitled to service. Parties shall be required to update their service lists to insure the inclusion of all parties during the course of the proceeding. Updated service lists may be obtained from the Chief Clerk's office.

f) In any application, petition, or complaint that initiates a "Contested Case" or a "Licensing Proceeding" as defined in Section 200.40, the Commission shall serve notice the applicant-petitioner-or-complainant shall provide--at--the--time--of--filing--a--petition--application--or--complaint, notice in a form prescribed by the Commission. The notice

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shall provide:

- 1) A statement of the time, place, and nature of the hearing;
- 2) A statement of the legal authority and jurisdiction under which the hearing is to be held;
- 3) A reference to the particular sections of the substantive and procedural statutes and rules involved;
- 4) Except where a more detailed statement is otherwise provided for by law, a short and plain statement of the matters asserted, the consequences of a failure to respond, and the official file or other reference number;
- 5) The names and mailing addresses of the Hearing Examiner, all parties, and all other persons to whom the Commission gives notice of the hearing unless otherwise confidential by law. [§ 100/10-25(a); and
- 6) A copy of the complaint, in proceedings initiated under Section 10-108 of the Public Utilities Act [220 ILCS 5/10-108].

† A statement-of-the-legal-authority-and-jurisdiction--under--which-the-hearing-is-to-be-held?

- 2† A-reference-to-the-section-of-the-statute-or-rule-involved?
- 3† Aplain-and-concise-statement-of-the-matters-asserted--and--A--space--for-the-time-and-location-of-a-hearing-scheduled-in-the-proceeding [§ 100/10-25(a)?]
- 5† A-copy-of-the-complaint-in-proceedings-initiated--under--Section-10-108-of-the-public UTILITIES-Act [220 ILCS 5/10-108].

g) The Commission shall serve the notice provided by subsection (f) by personal delivery or registered or certified mail. Notice of any additional hearings or other notices mailed by the Commission shall be by regular United States mail or as otherwise provided by the Hearing Examiner.

h) A person filing an application under Section 8-406 of the Public Utilities Act--as--amended for a Certificate of Public Convenience and Necessity to construct facilities upon or across privately owned tracts of land, or filing under Section 8-503 of that Act [220 ILCS 5/8-503], shall include with the attach-to such application when filed with the Commission a list containing the name and address of each owner of record of the such land as disclosed by the records of the tax collector of the county in which the wherein--such land is located, as of not more than thirty--t 30† days prior to the filing of the such application. The Commission shall notify the such owners of record of the time and place scheduled for the initial hearing upon the such application. The foregoing provisions for notice to owners of record shall not be deemed jurisdictional and the omission of the name and address of an owner of record from the such list or lack of notice shall in no way invalidate a subsequent order of the Commission relating to the said application.

i) When Where a person files an application under Section 8-503 or 8-406 of the Public Utilities Act, the requirements of subsection (h) Section--200.150(h) above shall apply only if the such application

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(Source: Added at 24 Ill. Reg. _____, effective _____)

Section 200.200 Intervention

a) Petitions to intervene shall contain:

- 1) The name, address, facsimile number, e-mail address, and telephone number of the petitioner seeking leave to intervene;
- 2) A plain and concise statement of the nature of the such petitioner's interest;
- 3) A prayer for leave to intervene and be treated as a party to the proceeding; and
- 4) If affirmative relief is sought, specific prayers for that such relief, which may be in the alternative.

b) While a petition for leave to intervene is pending, the Hearing Examiner, in his or her discretion, may permit the petitioner to participate in the proceeding.

c) Petitions to intervene shall be granted or denied by the Hearing Examiner, subject to Section 200.520.

d) In order to promote efficiency, the Hearing Examiner may require parties to state whether they will be active or not active in the proceeding. If a party fails to respond in the manner designated by the Hearing Examiner within 14 days, the party shall be deemed to be a non-active party. Active parties shall not be required to serve non-active parties with copies of testimony, data requests, pleadings and briefs. However, non-active parties shall be entitled to receive notices and orders served by the Commission. A party may change its designation at any time in the proceeding by filing a notice with the Chief Clerk and serving all parties. If a non-active party has changed its status to active, upon receipt of the notice from the party, all other active parties shall serve that party with all subsequently filed testimony, pleadings and briefs. A party's change in status shall not serve as the basis for delay or a modification of the procedural schedule in the case.

e) Except for good cause shown, an intervenor shall accept the status of the record as the same exists at the time of the beginning of that person's intervention. Subject to Section 200.850, any intervenor shall be allowed to comment in briefs and oral arguments on any matter addressed in the proceeding, whether before or after his intervention; and such intervenor shall be bound by rulings and orders theretofore entered.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

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a) The Hearing Examiner, on his or her own motion, upon motion by any party or staff witness, or when directed by the Commission, shall with reasonable written notice request all parties and staff witnesses to attend a prehearing conference when it appears that any of the goals set forth in subsections (a)(1) through (a)(7) of this section can be attained. Such a conference shall be held for the purpose of formulating issues and considering:

- 1) Simplification of issues;
- 2) Amendments to the pleadings;
- 3) The development of docket-specific discovery schedules and procedures to facilitate the prompt and efficient resolution of the proceeding;
- 4) The possibility of obtaining admissions of fact and of the genuineness of documents which will avoid unnecessary proof;
- 5) Limitations on the number of witnesses;
- 6) The procedure at the hearing; and
- 7) Such other matters as may aid in the simplification of the evidence and disposition of the proceeding.

b) Except where the Illinois Administrative Procedure Act [5 ILCS 100] provides otherwise, the Hearing Examiner may on his or her own motion, on motion of any party or staff witness, or when directed by the Commission, with written notice to all parties and staff witnesses, initiate an informal discussion whenever it appears that a mechanism less formal than a hearing might be useful in resolving any issue in a proceeding.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 200.360 Depositions and Other Discovery Procedures

a) The Commission, any Commissioner, the Hearing Examiner or any party may, in any investigation or hearing before the Commission, cause the deposition of witnesses residing within or without Illinois to be taken in the manner prescribed by law for like depositions in civil actions in the Courts of Illinois and to that end may compel the attendance of witnesses and the production of papers, books, accounts and documents. [220 ILCS 5/10-106] ¶¶¶¶¶-Stat-1985-ch-111-2/37 part-10-106¶. Except under special circumstances and for good cause shown, no deposition may be taken except upon 14 days prior notice to all parties and staff witnesses.

b) Payment of witness and mileage fees shall be as provided by Section 10-106 of the Public Utilities Act [220 ILCS 5/10-106] ¶¶¶¶¶-Stat-1985-ch-111-2/37-Part-10-106¶.

c) In addition to depositions, and subject to the provisions of this Part, any party may utilize written interrogatories to other parties, requests for discovery or inspection of documents or property and other discovery tools commonly utilized in civil actions in the

SUBPART C: PREHEARING PROCEDURE AND DISCOVERY

Section 200.300 Prehearing Conferences

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Circuit Courts of the State of Illinois in the manner contemplated by the Code of Civil Procedure [735 ILCS 5/]~~§ 107-Par-101-§ 107-Seq-~~ and the Rules of the Supreme Court of Illinois [S. Ct. Rules] ~~¶ 107-Rev-Stat-1985-7-ch-10A7-Par-1-§ 107-Seq-~~.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 200.430 Protective Orders

- a) At any time during the pendency of a proceeding, the Commission or the Hearing Examiner may, on the motion of any person, enter an order to protect the confidential, proprietary or trade secret nature of any data, information or studies.
- b) A person filing a motion for a protective order shall specify the proposed expiration date for the proprietary status of the data, information or studies. The proposed expiration date shall be no more than five years from the date of submission. If no date is specified, the proposed expiration date for the proprietary status of the data, information or studies shall be two years from the date of submission.
- c) An electronic document submitted and marked as proprietary shall be treated as a request for a protective order under this Section.
- d) A public redacted version of each document submitted pursuant to this Section must also be submitted with the proprietary version.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

SUBPART D: HEARING PROCEDURE

Section 200.540 Recording Appearances at Hearings

Parties and staff witnesses shall enter their appearances at the beginning of a hearing by giving their names, addresses, telephone numbers, any e-mail address, and whom they represent in writing to the reporter who will include the same in the record of hearing. The Hearing Examiner conducting the hearing may, in addition, require appearances to be stated orally. Non-party participants shall be identified in a manner prescribed by the Hearing Examiner.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 200.610 Evidence

- a) In all proceedings subject to this Part, irrelevant, immaterial or unduly repetitious evidence shall be excluded. [5 ILCS 100/10-40]

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~~¶ 107-Rev-Stat-1985-7-ch-107-Par-1-§ 107-Seq-~~

b) This subsection applies to all proceedings except those under the ICIL. In contested cases, and licensing proceedings, the rules of evidence and privilege applied in civil cases in the Circuit Courts of the State of Illinois shall be followed. However, evidence not admissible under such rules may be admitted if it is of a type commonly relied on by reasonable prudent persons in the conduct of their affairs. [5 ILCS 100/10-40] ~~¶ 107-Rev-Stat-1985-7-ch-107-Par-1-§ 107-Seq-~~

c) Objections must be made at hearing to preserve them on appeal. Evidence may be received orally or in writing.

c) This subsection applies to proceedings under the ICIL. The rules of evidence which apply in civil cases before the circuit courts of this state shall, except as otherwise provided in Section 18c-2104 of the ICIL, apply to proceedings before the Commission. Evidence not admissible under the rules of evidence applicable in civil occurs may be admitted if it is of a type commonly relied upon by prudent persons in the conduct of their affairs. Objections must be made at hearing to preserve them on appeal. Evidence may be received orally or in writing. [625 ILCS 5/18c-2104] ~~¶ 107-Rev-Stat-1985-7-ch-107-Par-1-§ 107-Seq-~~

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 200.625 Examination of Adverse Party or Agent

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Adverse parties and agents may be called upon to testify in the manner contemplated by Section 2-1102 of the Code of Civil Procedure [7.5 ILCS 5/2-1102] ~~¶ 107-Rev-Stat-1985-7-ch-107-Par-1-§ 107-Seq-~~.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 200.700 Record in Commission Proceedings

a) The record in any proceeding before the Commission shall include:

- 1) All pleadings, (including all notices and responses thereto), motions and rulings;
- 2) Evidence received;
- 3) A statement of matters officially noticed;
- 4) Offers of proof, objections and rulings thereon;
- 5) Proposed findings and exceptions;
- 6) Any decision, opinion or report by the Hearing Examiner, except in cases that which are not contested cases that or licensing proceedings and which do not arise under the Public Utilities Act;

7) All staff memoranda or data submitted to the Hearing Examiner or Commissioners in connection with their consideration of the case,

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except in cases that which are not contested cases or licensing proceedings and that which do not arise under the Public Utilities Act;

- 8) Any briefs, proposed orders and exceptions thereto which have been filed by the parties;
- 9) Orders and opinions of the Commission; and
- 10) Any communication prohibited by Section 200.710, but such communications shall not form the basis for any finding of fact. [5 ILCS 100/10-35] ~~that-Rev-Stat-1985-ch-1277-par-103~~.

b) Notwithstanding the provisions of subsection (a), no matter coming within attorney-client privilege shall be included in the record in a contested case or licensing proceeding.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 200.710 Ex Parte Communications

- a) Unless waived by written stipulation of the parties in the proceeding as provided by Section 10-70 of the Illinois Administrative Procedure Act [5 ILCS 100/10-70] ~~that-Rev-Stat-1997-ch-1277-par-103-70~~, once notice of hearing has been given in a contested case or licensing proceeding, Commissioners, Commission employees and Hearing Examiners shall not communicate directly or indirectly with:
 - 1) Any party to the proceeding on any issue in the proceeding; or
 - 2) A party's representative on any issue in the proceeding; or
 - 3) Any other person concerning an issue of fact in the proceeding; without notice and opportunity for all parties to participate.
- b) The following communications are not subject to subsection (a) of this Section:
 - 1) Communications between Commission employees who are engaged in investigatory, prosecutorial or advocacy functions and other parties to the proceeding, provided that such Commission employees are still prohibited from communicating on an ex parte basis, as designated in subsection (a), directly or indirectly, with members of the Commission, any Hearing Examiner in the proceeding, or any Commission employee who is or may reasonably be expected to be involved in the decisional process of the proceeding (this language derived from Section 10-103 of the Public Utilities Act [220 ILCS 5/10-103] ~~that-Rev-Stat-1997-ch-1277-par-103~~ and applies only to proceedings under that Act);
 - 2) Communications between a Commissioner and other Commissioners, and between a Commissioner or hearing examiner and one or more personal assistants. [5 ILCS 100/10-60] ~~that-Rev-Stat-1997-ch-1277-par-103~~

- c) Any Commissioner, Hearing Examiner, or other Commission employee who is or may reasonably be expected to be involved in the decisional process of the proceeding on an ex parte basis, as designated in subsection (a), directly or indirectly, with members of the Commission, any Hearing Examiner in the proceeding, or any Commission employee who is or may reasonably be expected to be involved in the decisional process of the proceeding (this language derived from Section 10-103 of the Public Utilities Act [220 ILCS 5/10-103] ~~that-Rev-Stat-1997-ch-1277-par-103~~ and applies only to proceedings under that Act);
- 2) Communications between a Commissioner and other Commissioners, and between a Commissioner or hearing examiner and one or more personal assistants. [5 ILCS 100/10-60] ~~that-Rev-Stat-1997-ch-1277-par-103~~

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process of a proceeding, who receives, or who makes or knowingly causes to be made, a communication prohibited by Section 10-60 of the Illinois Administrative Procedure Act as modified by Section 10-103 of the Public Utilities Act [220 ILCS 5/10-103] shall place on the public record of the proceeding:

- 1) All such written communications;
- 2) Memoranda stating the substance of all such oral communications; and
- 3) All written responses and memoranda stating the substance of all oral responses to the materials described in subsections (c)(1) and (2). [220 ILCS 5/10-103]

When a Commissioner--a hearing examiner--a Commission employee or a party becomes aware that he--or--she--has--received--or--has--made--a prohibited communication, the communication shall be disclosed by him/her or them by placing in the record:

- 1) any-and-all-such-written-communications--the--substance--of--any-and-all-such-oral-communications--and
- 2) a--memorandum--stating--the--substance--of--any-and-all-such-oral-communications--and
- 3) any-and-all-written-responses-and-memoranda--stating--the--substance--of--any-and-all-oral-responses--to--the--materials--described--in subsections-(entity-and-felicit).

d) The material specified in subsection (c) shall be disclosed to the parties of record by:

- 1) service on the parties at the next hearing; or
- 2) if no hearing is scheduled within the next seven days, service by mail on all parties of record.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

SUBPART E: POST-HEARING PROCEDURE

Section 200.840 Filing of Briefs

a) For proceedings initiated prior to January 1, 2000, an original and eight copies of all briefs shall be filed with the Commission.

b) For proceedings initiated after January 1, 2000, an original of the brief shall be filed with the Commission.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 200.860 Commission Order

Following receipt of the proposed order of the Hearing Examiner and any briefs of the parties, and following oral argument, if any, the Commission shall make its decision and shall serve a copy of its order upon all parties in the manner provided by Section 10-112 of the Public Utilities Act [220 ILCS 5/10-112].

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till--Rev--Stat--1985--ch--IIL--2/37-part--10--112.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 200.880 Rehearing

a) After issuance of an order on the merits by the Commission, a party may file an application for rehearing. The application shall state the reasons therefore and shall contain a brief statement of proposed additional evidence, if any, and an explanation why such evidence was not previously adduced. The application shall be filed within 30 days after service of the order on the party.

1) For proceedings initiated prior to January 1, 2000, an original of original and eight \pm copies of the application shall be filed with the Commission;

2) For proceedings initiated after January 1, 2000, an original of the application shall be filed with the Commission.

b) Applications for rehearing must state with specificity the issues for which rehearing is sought. Incorporation of arguments made in prior pleadings and briefs must be specific to document and page.

c) If an application for rehearing alleges new facts, then the application must be filed with a verification. A verification need not be filed with an application for rehearing if the application does not allege new facts.

d) No appeal shall be allowed from any order or decision of the Commission unless and until an application for rehearing thereof shall first have been filed and finally disposed of by the Commission. The Commission shall grant or deny the such application in whole or in part within 20 days from the date of receipt by the Commission.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

SUBPART F: ELECTRONIC FILING

Section 200.1000 Overview of Electronic Filing

One of the stated purposes of the Electronic Commerce Security Act is to facilitate electronic filing of documents with State and local government agencies, and promote efficient delivery of government services by means of reliable electronic records. [5 ILCS 175/1-105(3)] The Electronic Commerce Security Act authorizes State agencies to send and receive electronic records and electronic signatures. In addition, the Commission has the authority over its process and proceedings pursuant to Section 10-101 of the Public Utilities Act [220 ILCS 5/10-101]. To that end, the Commission is committed to facilitating the filing, distributing, and accessing of documents electronically, subject to the Commission's Rules of Practice. The Commission

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has created an electronic filing system known as "e-Docket", e-Docket is a Web based program that allows electronic filing, management, and access to electronic records that make up case files. Any person may file a document in an electronic format. However, nothing in this Part should be construed to require any person to file any document in an electronic format.

(Source: Added at 24 Ill. Reg. _____, effective _____)

Section 200.1010 Acceptable Formats

a) All electronic documents submitted to the Commission via e-Docket shall be in one of the following formats:

- 1) Microsoft Word for Windows, version 6.0 and greater;
- 2) Corel WordPerfect for Windows, version 6.0 and greater;
- 3) Microsoft Excel for Windows, version 4.0 and greater;
- 4) Lotus 1-2-3 for Windows, version 4.0 and greater;
- 5) ASCII Text;
- 6) Adobe Acrobat 2.0 and greater.

b) All e-Docket electronic records will be stored by the Commission in Adobe Acrobat Portable Document Format (PDF). Electronic documents not submitted in the PDF format will be converted to PDF by the Commission.

c) The Commission encourages persons to submit electronic documents in PDF.

(Source: Added at 24 Ill. Reg. _____, effective _____)

Section 200.1020 e-Docket Accounts

a) Each person seeking to file electronic documents must have an active e-Docket account.

b) The application for an e-Docket account is available on e-Docket on the Commission's Web site or can be obtained by calling or e-mailing the e-Docket help desk.

- 1) First name and last name;
- 2) Primary mailing address and phone number;
- 3) Preferred user name;
- 4) Password;
- 5) Challenge question and answer; and
- 6) Notarized signature.

d) Applications must be hand-delivered or mailed to the e-Docket help desk.

e) The user is responsible for keeping confidential the user I.D. and password. A user I.D. must be at least four characters in length and must be unique. Passwords must be at least five characters in length.

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Periodically passwords will expire and users will be given advance notice and requested to enter a new password. The challenge question and answer will enable e-Docket to recover a password for a user who has forgotten his or her password.

f) Because of the unique user I.D. and password, an electronic document can be traced to a specific individual as if it were signed. This shall serve as an electronic signature on such filings.

(Source: Added at 24 Ill. Reg. _____, effective _____)

Section 200.1030 Control Processes

- a) e-Docket allows only users with I.D. and passwords to file electronic documents.
- b) Only members of the service list for a particular docketed case are allowed to file electronic documents in that case. This does not prohibit the electronic filing of petitions to intervene in a case in which the person filing the petition is not yet a member of the service list.
- c) Filings are scanned for computer viruses prior to being uploaded into the e-Docket system and will be rejected if the filing is infected. The submitter of such an electronic document will be notified of the rejection.
- d) The Web browser must be set to accept cookies in order for users to submit electronic documents. Cookies identify users and instruct the server to send a customized version of the requested web page to the user. Cookies also submit account information for the user.
- e) e-Docket logs every filing with the user I.D., date, time, and file size information.

(Source: Added at 24 Ill. Reg. _____, effective _____)

Section 200.1040 Submission of Electronic Documents

- a) Persons filing electronic documents shall receive a receipt with an identification number that shall be sent electronically. Documents that are required to be verified or that have an affidavit shall be deemed to be officially filed or received only when the person submitting the electronic document submits to the Commission the original verification page(s) accompanied by a printed copy of the electronic receipt for that document.
- b) The filing of an electronic document is effective upon acceptance of the complete document and any required original verification page(s) by the Chief Clerk of the Commission in one of the formats specified in Section 200.1010(a).
- c) For dockets initiated after January 1, 2000, the requirement for the

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filings of multiple copies of documents is satisfied by the filing of a complete electronic version of a document.

f) Because of the unique user I.D. and password, an electronic document can be traced to a specific individual as if it were signed. This shall serve as an electronic signature on such filings.

Section 200.1045 Electronic Documents Accepted by the Commission

All documents either initiating a docketed proceeding or filed in a docketed proceeding may be submitted to the Commission as electronic documents.

(Source: Added at 24 Ill. Reg. _____, effective _____)

Section 200.1050 Service by Electronic Means

- a) Service by electronic means is allowed when agreed to by individual parties. Notwithstanding Section 200.150, any party required to serve a pleading or other document may serve copies of pleadings and other documents on other parties of record by electronic means in substitution of first class mail. Because of pagination and format concerns, the parties are encouraged to serve in PDF format. When serving by electronic means, service is deemed complete on the day of electronic transmission if transmitted prior to 5:00 p.m. on that day.
- b) If any party files a proprietary electronic document (see Section 200.430), that party must serve the proprietary electronic document on any other party of record that has the right to see the document through any means, such as a confidential agreement. The e-Docket system does not allow any person outside of the Commission to see or access proprietary electronic documents.

(Source: Added at 24 Ill. Reg. _____, effective _____)

Section 200.1060 Electronic Documents and the Hearing Process

If any electronic document is offered and received at a hearing in a docketed proceeding, the official copy is the electronic document as filed and found in the e-Docket system. If a prefiled electronic document is submitted without alteration at hearing, the requirements of Section 200.670 to offer multiple copies at hearing and to have the copies stamped are eliminated. If any prefiled electronic document is altered at hearing in any way, the sponsoring party must serve the complete altered electronic document on the Commission and the other parties of record within seven days after that hearing or, if applicable, within seven days after the end of a continuous, day-to-day set of hearings, unless otherwise directed by the Hearing Examiner.

(Source: Added at 24 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Telecommunications Enforcement
- 2) Code Citation: 83 Ill. Adm. Code 766
- 3) Section Numbers:

766.11	<u>Proposed Action:</u> New Section
766.12	New Section
766.20	Amendment
766.30	New Section
766.1000	New Section
766.1010	New Section
766.1020	New Section
766.1030	New Section
766.1040	New Section
766.1045	New Section
766.1050	New Section
766.1060	New Section
- 4) Statutory Authority: Implementing Sections 13-515 and 13-516 and authorized by Section 13-512 of the Public Utilities Act [220 ILCS 5/13-515, 13-516, and 13-512] and Section 25-101 of the Electronic Commerce Security Act [5 ILCS 175/25-101].
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking amends current Commission rules to allow electronic filing in the subject cases. The rulemaking adds Subpart E that establishes a mechanism for persons to apply for and receive e-Docket accounts, provides formats for the sending of electronic documents and control processes, and specifies the purposes for which electronic documents may be used in Commission proceedings in which telecommunications carriers are subject to enforcement actions for the alleged specified violations of the Public Utilities Act.
- 6) Will these proposed amendments replace emergency amendments currently in effect? Yes
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: These proposed amendments neither create nor expand any state mandate on units of local government, school districts, or community college districts.
- 11) Time, Place and Manner in which interested persons may comment on this Proposed rulemaking: Comments should be filed within 45 days after the

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date of this issue of the *Illinois Register* with:

Donna M. Caton
 Chief Clerk
 Illinois Commerce Commission
 527 East Capitol Avenue
 P. O. Box 19280
 Springfield IL 62794-9280
 (217)782-7434

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: These amendments will affect any telecommunications carriers that are also small businesses as defined in the Illinois Administrative Procedure Act.
- B) Reporting, bookkeeping or other procedures required for compliance:
Filing procedures
- C) Types of professional skills necessary for compliance: Legal skills

13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent agendas because: It was not anticipated that the rulemaking would be submitted for First Notice at this time.

The full text of the Proposed Amendments begins on the next page:

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NOTICE OF PROPOSED AMENDMENTS

TITLE 83: PUBLIC UTILITIES
 CHAPTER I: ILLINOIS COMMERCE COMMISSION
 SUBCHAPTER E: TELEPHONE UTILITIES

PART 766
 TELECOMMUNICATIONS ENFORCEMENT

SUBPART A: APPLICABILITY AND PRELIMINARY PROCEDURES

Section	Applicability
766.10	Definitions
766.11	Form of Pleadings and Documents
766.12	Waiver of Time Limits
766.15	Intervention
766.20	Interlocutory Review Not Allowed
766.25	Protective Orders
766.30	

SUBPART B: EMERGENCY RELIEF PROCEDURES

Section	Waiver of Emergency Time Limits
766.100	
766.110	Emergency Relief Filing Requirements

SUBPART C: PROCEDURE PRIOR TO ISSUANCE OF ORDER

Section	Filing of Briefs
766.300	
766.310	Filing of Draft Orders

SUBPART D: ASSESSMENT OF COSTS AND IMPOSITION OF PENALTIES

Section	Assessment of Costs
766.400	Procedure for Imposition of Penalties
766.410	Factors in Assessing Penalties
766.415	

SUBPART E: ELECTRONIC FILING

Section	Overview of Electronic Filing
766.1000	Acceptable Formats
766.1010	e-Docket Accounts
766.1020	Control Processes
766.1030	Submission of Electronic Documents
766.1040	Electronic Documents Accepted by the Commission
766.1045	
766.1050	Service by Electronic Means

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766.1060 Electronic Documents and the Hearing Process

AUTHORITY: Implementing Sections 13-515 and 13-516 and authorized by Section 13-512 of the Public Utilities Act [220 ILCS 5/13-515, 13-516, and 13-512] and Section 25-101 of the Electronic Commerce Security Act [5 ILCS 175/25-101].

SOURCE: Emergency rules adopted at 21 Ill. Reg. 13180, effective September 11, 1997, for a maximum of 150 days; adopted at 22 Ill. Reg. 3460, effective February 1, 1998; emergency amendment at 24 Ill. Reg. _____, effective May 22, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. _____, effective _____.

SUBPART A: APPLICABILITY AND PRELIMINARY PROCEDURES

Section 766.11 Definitions

The following terms as used in this Part shall have the following meanings:

"Electronic" includes electrical, digital, magnetic, optical, electromagnetic, or any other form of technology that entails capabilities similar to these technologies. [220 ILCS 5/3-122]

"Electronic document" means a pleading or a document transmitted by electronic means to the Commission with an electronic signature attached.

"Electronic record" means a record generated, communicated, received, or stored by electronic means for use in an information system or for transmission from one information system to another. [5 ILCS 175/5-105]

"Electronic signature" means a signature in electronic form issued by the Commission pursuant to Section 766.1020 and consisting of a user I.D. and password attached to or logically associated with an electronic document.

"E-mail address" means a destination, commonly expressed as a string of characters, to which electronic mail may be sent or delivered. [815 ILCS 511/5]

(Source: Added at 24 Ill. Reg. _____, effective _____)

Section 766.12 Form of Pleadings and Documents

- a) All pleadings and documents filed with the Commission shall be typewritten or printed on paper cut or folded or capable of being printed on paper 8 1/2 inches by 11 inches and shall have inside

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margins of one inch. All exhibits of a documentary character shall, whenever practical, conform to these requirements of size and margin. The impression shall be on one side of the paper only and shall be double spaced; footnotes and quotations may be single spaced and indented.

- b) All pleadings or other documents shall be composed in either Arial or Times New Roman font and shall be at least 12-point or larger.
- c) Reproductions may be by any process, provided that all copies are clear and permanently legible.

(Source: Added at 24 Ill. Reg. _____, effective _____)

Section 766.20 Intervention

- a) Intervention in any proceeding brought pursuant to Section 13-515 of the Act will be allowed only upon a showing that the entity filing a petition to intervene is in the same position as either the complainant or the respondent in the proceeding in which it is attempting to intervene.
- b) An intervenor shall be subject to any waivers of time limits agreed to by the complainant, the respondent, and the Commission.
- c) An intervenor shall be subject to any schedule that has been established prior to its intervention.
- d) A party to intervene shall contain:
 - 1) The name, address, facsimile number, e-mail address, and telephone number of the petitioner seeking leave to intervene;
 - 2) A plain and concise statement of the nature of such petitioner's interest;
 - 3) A prayer for leave to intervene and be treated as a party to the proceeding.
- e) A petition to intervene shall not contain any prayer for affirmative relief other than that contained in the initiating complaint in the proceeding.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 766.30 Protective Orders

- a) At any time during the pendency of a proceeding, the Commission or the Hearing Examiner may, on the motion of any person, enter an order to protect the confidential, proprietary or trade secret nature of any data, information or studies.
- b) A person filing a motion for a protective order shall specify the proposed expiration date for the proprietary status of the data, information or studies. The proposed expiration date shall be no more than five years from the date of submission. If no date is specified,

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c) the proposed expiration date for the proprietary status of the data, information or studies shall be two years from the date of submission.

c) An electronic document submitted and marked as proprietary shall be treated as a request for a protective order under this Section.

d) A public redacted version of each document submitted pursuant to this Section must also be submitted with the proprietary version.

(Source: Added at 24 Ill. Reg. _____, effective _____)

SUBPART E: ELECTRONIC FILING

Section 766.1000 Overview of Electronic Filing

One of the stated purposes of the Electronic Commerce Security Act is to facilitate electronic filing of documents with State and local government agencies, and promote efficient delivery of government services by means of reliable electronic records. [5 ILCS 175/1-105(3)] The Electronic Commerce Security Act authorizes State agencies to send and receive electronic records and electronic signatures. In addition, the Commission has the authority over its process and proceedings pursuant to Section 10-101 of the Public Utilities Act [220 ILCS 5/10-101]. To that end, the Commission is committed to facilitating the filing, distributing, and accessing of documents electronically, subject to this Part. The Commission has created an electronic filing system known as "e-Docket". e-Docket is a Web based program that allows electronic filing, management, and access to electronic records that make up case files. Any person may file a document in an electronic format. However, nothing in this Part should be construed to require any person to file any document in an electronic format.

(Source: Added at 24 Ill. Reg. _____, effective _____)

Section 766.1010 Acceptable Formats

a) All electronic documents submitted to the Commission via e-Docket shall be in one of the following formats:

- 1) Microsoft Word for Windows, version 6.0 and greater;
- 2) Corel WordPerfect for Windows, version 6.0 and greater;
- 3) Microsoft Excel for Windows, version 4.0 and greater;
- 4) Lotus 1-2-3 for Windows, version 4.0 and greater;
- 5) ASCII Text;
- 6) Adobe Acrobat 2.0 and greater.

b) All e-Docket electronic records will be stored by the Commission in Adobe Acrobat Portable Document Format (PDF). Electronic documents not submitted in the PDF format will be converted to PDF by the Commission.

c) The Commission encourages persons to submit electronic documents in

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PDF.

effective

ILLINOIS COMMERCE COMMISSION

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d) The Web browser must be set to accept cookies in order for users to submit electronic documents. Cookies identify users and instruct the server to send a customized version of the requested Web page to the user. Cookies also submit account information for the user.

e) e-Docket logs every filing with the user I.D., date, time, and file size information.

(Source: Added at 24 Ill. Reg. _____, effective _____)

Section 766.1040 Submission of Electronic Documents

a) Persons filing electronic documents shall receive a receipt with an identification number that shall be sent electronically. Documents that are required to be verified or that have an affidavit shall be deemed to be officially filed or received only when the person submitting the electronic document submits to the Commission the original verification page(s) accompanied by a printed copy of the electronic receipt for that document.

b) The filing of an electronic document is effective upon acceptance of the complete document and any required original verification page(s) by the Chief Clerk of the Commission in one of the formats specified in Section 766.1010(a).

(Source: Added at 24 Ill. Reg. _____, effective _____)

Section 766.1045 Electronic Documents Accepted by the Commission

All documents either initiating a proceeding subject to this Part or filed in a proceeding subject to this Part may be submitted to the Commission as electronic documents.

(Source: Added at 24 Ill. Reg. _____, effective _____)

Section 766.1050 Service by Electronic Means

a) Service by electronic means is allowed when agreed to by individual parties. Notwithstanding any other requirements of this Part, any party required to serve a pleading or other document may serve copies of pleadings and other documents on other parties of record by electronic means in substitution of first class mail or in hand service. Because of pagination and format concerns, the parties are encouraged to serve in PDF format. When serving by electronic means, service is deemed complete on the day of electronic transmission if transmitted prior to 5:00 p.m. on that day.

b) If any party files a proprietary electronic document (see Section

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766.30), that party must serve the proprietary electronic document on any other party of record that has the right to see the document through any means, such as a confidentiality agreement. The e-Docket system does not allow any person outside of the Commission to see or access proprietary electronic documents.

(Source: Added at 24 Ill. Reg. _____, effective _____)

Section 766.1060 Electronic Documents and the Hearing Process

If any electronic document is offered and received at a hearing in an arbitration proceeding, the official copy is the electronic document as filed and found in the e-Docket system. If a prefiled electronic document is submitted without alteration at hearing, any requirement to offer multiple copies at hearing and to have the copies stamped is eliminated. If any prefiled electronic document is altered at hearing in any way, the sponsoring party must serve the complete altered electronic document on the Commission and the other parties of record within seven days after that hearing or, if applicable, within seven days after the end of a continuous, day-to-day set of hearings, unless otherwise directed by the Hearing Examiner.

(Source: Added at 24 Ill. Reg. _____, effective _____)

Section 766.1045 Electronic Documents Accepted by the Commission

All documents either initiating a proceeding subject to this Part or filed in a proceeding subject to this Part may be submitted to the Commission as electronic documents.

(Source: Added at 24 Ill. Reg. _____, effective _____)

Section 766.1050 Service by Electronic Means

a) Service by electronic means is allowed when agreed to by individual parties. Notwithstanding any other requirements of this Part, any party required to serve a pleading or other document may serve copies of pleadings and other documents on other parties of record by electronic means in substitution of first class mail or in hand service. Because of pagination and format concerns, the parties are encouraged to serve in PDF format. When serving by electronic means, service is deemed complete on the day of electronic transmission if transmitted prior to 5:00 p.m. on that day.

b) If any party files a proprietary electronic document (see Section

ILLINOIS REGISTER _____ 7842

ILLINOIS REGISTER _____ 7842

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Alternate Fuels Program
- 2) Code Citation: 35 Ill. Adm. Code 275
- 3) Section Numbers:

<u>Proposed Action:</u>	
275.120	Amend
275.230	Amend
275.250	New
- 4) Statutory Authority: Sections 15 and 30 of the Alternate Fuels Act [415 ILCS 120/15 and 30].

5) A Complete Description of the Subjects and Issues Involved: Section 15 of the Alternate Fuels Act originally required the Illinois EPA to adopt rules implementing the Alternate Fuels Rebate Program. The proposed amendments serve two purposes. First, rebates will be processed in a more timely manner with the added requirement of submitting proof of payment with the application. The Illinois Comptroller's Office requires proof of payment before disbursement of funds. By requiring proof of payment to be submitted with the application, this will make the process more efficient. Further, in order to provide a less costly and more timely manner for applicants to resolve any dispute that may arise from this rebate program than litigation, these amendments would create an appeal mechanism whereby an applicant can appeal a denial of a rebate or a modification of the amount requested to the Director of the Agency.

- 6) Will this proposed amendment replace an emergency amendment currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objective: These proposed amendments are required by the Alternate Fuels Act and do not create or enlarge a State mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: The Illinois Environmental Protection Agency will accept written public comment on this proposal for a period of 45 days after the date of publication in the Illinois Register. Comments should reference the Alternate Fuels Program and be addressed to:

Robert A. Messina
Assistant Counsel

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED AMENDMENTS

Illinois Environmental Protection Agency
Division of Legal Counsel
1021 North Grand Avenue East
P.O. Box 19726
Springfield, Illinois 62794-9276
217/782-5544
217/782-9143 (TDD)

- 12) Initial Regulatory Flexibility Analysis:
 - A) Types of small businesses, small municipalities and not for profit corporations affected: These amendments will not change the manner in which these entities were affected by the original rule. The anticipated effect on the above entities from the rule is expected to be positive. Small businesses receive priority for the rebates. Municipalities that are subject to the Energy Policy Act, which requires they purchase alternate fuel vehicles, now have an opportunity to offset some of the compliance costs.
 - B) Reporting, Bookkeeping or other procedures required for compliance: These amendments require the owner to keep records of payments made in the amount of the rebate requested. The rule already requires that, once approved for a domestic renewable fuel rebate, the owner must keep records of fuel purchases.
 - C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent agendas because: As these amendments were not anticipated by the Agency, they were not summarized in any Regulatory Agenda.

The full text of the Proposed Amendments begins on the next page.

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE B: AIR POLLUTION

CHAPTER II: ENVIRONMENTAL PROTECTION AGENCY

PART 275
ALTERNATE FUELS PROGRAM

SUBPART A: GENERAL PROVISIONS

Section	Purpose
275.100	Other Definitions
275.110	Definitions
275.120	Abbreviations
275.130	Incorporations by Reference
275.140	

SUBPART B: REBATES

Section	Eligibility	Alternate Fuel Vehicles and Rebates	Fuel Cost Differential Rebate	Applications	Agency Action	Appeal of Agency Denial or Modification	APPENDIX A Annual Fuel Cost Differential For LDVs	AUTHORITY: Implementing and authorized by Sections 15 and 30 of the Alternate Fuels Act [415 ILCS 120/15 and 30].	SOURCE: Adopted at 21 Ill. Reg. 7150, effective May 29, 1997; amended at 23 Ill. Reg. 11916, effective September 13, 1999; amended at 24 Ill. Reg. _____, effective _____.
275.200									

NOTE: In this Part, unless the context clearly indicates otherwise, superscript numbers or letters are denoted by parentheses; subscripts are denoted by brackets.

SUBPART A: GENERAL PROVISIONS

Section 275.120 Definitions

"Alternate fuel" means liquefied petroleum gas, natural gas, E85 blend fuel, fuel composed of a minimum 80% ethanol or 80% bio-based methanol, fuels derived from 80% biomass, or electricity.

ENVIRONMENTAL PROTECTION AGENCY

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"Alternate fuel vehicle" means any motor vehicle or engine that meets a federal or CARB emission standard, or meets the federal anti-tampering provisions pursuant to USEPA Memorandum 1A, incorporated by reference at Section 275.140 of this Subpart, is capable of using an alternate fuel, and is operated in the State of Illinois.

"Conventional", when used to modify the word "vehicle", "engine", or "fuel", means gasoline or diesel or any reformulations of those fuels. [415 ILCS 120/10]

"Covered area" means the counties of Cook, DuPage, Kane, Lake, McHenry, and Will and those portions of Grundy County and Kendall County that are included in the following zip code areas, as designated by the U.S. Postal Service on August 7, 1998: 60416, 60444, 60447, 60450, 60481, 60538, and 60543.

"Domestic renewable fuel" means a fuel produced in the United States composed of a minimum 80% ethanol or 80% bio-based methanol, or other fuels derived from 80% biomass.

"E85 blend fuel" means fuel that contains 85% ethanol and 15% gasoline. [415 ILCS 120/10]

"Federal low emission standard" means the low emission vehicle (LEV), ultra-low emission vehicle (ULEV), zero emission vehicle (ZEV), or inherently low emission vehicle (ILEV) standard, as set forth in 40 CFR 88, incorporated by reference in Section 275.140 of this Subpart.

"Gross Vehicle Weight Rating (GVWR)" means the total vehicle weight, including the maximum load, as designated by the original equipment manufacturer.

"Heavy-duty vehicle (HDV)" means a motor vehicle whose GVWR is more than 8,500 lbs.

"Inherently Low Emission Vehicle (ILEV)" means any LDV certified to the applicable ILEV evaporative emission standard found in 40 CFR 88, incorporated by reference at Section 275.140 of this Subpart, or any HDV with an engine certified to the applicable ILEV standard. No dual fueled or flexible fueled vehicle shall be considered an ILEV unless it is certified to the applicable standards) (i.e., LEV, ULEV or ZEV) for such weight class on all fuel types for which it is designed to operate.

"Light-duty vehicle (LDV)" means a motor vehicle whose GVWR is no more than 8,500 lbs.

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"Location" means a parcel of real property or multiple, contiguous parcels of real property that are separated by private roadways, public roadways, or private or public rights-of-way and are owned, operated, leased, or under the common control of one party. [415 ILCS 120/10]

"Low Emission Vehicle (LEV)" means any LDV, or any HDV with an engine certified to the applicable federal low emission vehicle standard in 40 CFR 88, incorporated by reference in Section 275.140 of this Subpart.

"Owner" means any person who has legal or equitable title to a motor vehicle.

"Person" means any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, state, municipality, political subdivision of a state, any agency, department, or instrumentalality of the United States, and any officer, agent or employee of any of the above.

"Private fueling operation" means any activity where alternate fuel is transferred from a stationary or mobile source to a fuel storage system used to provide fuel to the engine or motor of that vehicle where such fuel is not available to the public.

"Proof of payment" means a copy of a cancelled check, an invoice or bill showing that the applicable amount has been paid or that no remaining balance exists, or other appropriate proof that payment has been made in the amount of the rebate requested.

"Public fueling operation" means any site where alternate fuel is transferred from a stationary source to a fuel storage system used to provide fuel to the engine or motor of that vehicle, and is a retail operation.

"Retailer" means to sell directly to the ultimate consumer in small quantities (e.g., gallons) and deliver fuel to a fuel storage system used to provide fuel to the engine or motor of a vehicle.

"Small fleet owner" means a person who owns or operates no more than 30 motor vehicles and employs 100 or fewer employees.

"Ultra Low Emission Vehicle (ULEV)" means any LDV, or any HDV with an engine certified to the applicable federal ultra low emission vehicle standard in 40 CFR 88, incorporated by reference in Section 275.140 of this Subpart.

"Zero Emission Vehicle (ZEV)" means any LDV, or any HDV certified to

ENVIRONMENTAL PROTECTION AGENCY

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the applicable federal zero emission vehicle standard in 40 CFR 88, incorporated by reference in Section 275.140 of this Subpart.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

SUBPART B: REBATES

Section 275.230 Applications

To apply for a rebate, owners of alternate fuel vehicles must provide the Agency with the information listed in subsections (a) and (e) of this Section and the information from either subsection (b), (c) or (d) of this Section.

- a) Applications for a conversion, OEM or fuel cost differential rebate must include the following information:
 - 1) For each alternate fuel vehicle:
 - A) The make, model and year of manufacture;
 - B) The date of vehicle acquisition or conversion;
 - C) The vehicle identification number (VIN);
 - D) The license plate number and the state of registration;
 - E) The emission standard(s) to which the alternate fuel vehicle is certified (e.g., conventional, LEV, ULEV, ZEV or TLEV) and the certifying agent (e.g., USEPA, CARB, or the Conversion System Manufacturer to Memorandum No. 1A, incorporated by reference in Section 275.140 of this Part);
 - F) The alternate fuel for which the vehicle is certified to meet the requirements of Section 275.210(c) or (d) of this Subpart;
 - G) For LDVs, the 8-character alpha numeric bar-coded vehicle emission configuration number assigned by the manufacturer and imprinted on vehicles manufactured on or after MY 1993;
 - H) The GVWR of the vehicle; and
 - I) Whether the vehicle will be primarily fueled at a public or a private fueling operation.
 - 2) The amount of the rebate being requested and documentation as required by either subsection (b), (c) or (d) of this Section, demonstrating that the costs were actually incurred and how the rebate amount was calculated.

- b) Applicants for an OEM alternate fuel vehicle rebate, in addition to the information required by subsections (a) and (e) of this Section, must provide the following:
 - 1) A copy of the sales invoice showing the purchase price of the alternate fuel vehicle; and
 - 2) Documentation from the retailer indicating the retail cost or sticker price of a conventional fuel vehicle that is the same make, model, equipment and year as the alternate fuel vehicle or engine purchased for which a rebate is being sought under this Part; and,

ENVIRONMENTAL PROTECTION AGENCY

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3) Proof of payment.

c) Applicants for a conversion alternate fuel vehicle rebate, in addition to the information required by subsections (a) and (e) of this Section, must provide:

- 1) The name and address of the person(s) performing the conversion;
- 2) A statement that the motor vehicle was converted in accordance with the applicable requirements of Section 275.210(a) of this Subpart; and
- 3) A copy of the conversion invoice showing the cost of the conversion; and,
- 4) Proof of payment.

d) Applicants for a fuel cost differential rebate, in addition to the information required in subsections (a) and (e) of this Section, must provide:

- 1) For the first year:
 - A) For LDVs using methanol or ethanol, the name of the primary fuel supplier(s), the number of gallons of domestic renewable fuel purchased, and number of miles driven that calendar year; and
 - B) For alternate fuel LDVs using biomass fuels and any alternate fuel HDV, the name of the primary fuel supplier(s), the name of the domestic renewable fuel, the number of miles to the gallon for the conventional fuel, the number of miles to the gallon for the conventional fuel, the cost per gallon of the domestic renewable fuel, the cost per gallon of the conventional fuel, and the number of miles driven that calendar year; and
- 2) For the second and third years, the owner must annually certify, once approved, that the owner still owns and operates the alternate fuel vehicle, has purchased domestic renewable fuel, and that domestic renewable fuel was used for more than one-half of the miles driven in that calendar year. The statement must be signed by the owner, and must be submitted to the Agency no more than 30 days after the anniversary date of the rebate; and,
- 3) Proof of payment.

e) In addition to the information required in subsection (a) of this Section and either subsection (b), (c) or (d) of this Section, all applications submitted to the Agency must include the following:

- 1) The name, address, and phone number of the owner;
- 2) If the applicant is not an individual:
 - A) The name of the entity, mailing address and location of records if they are different from the information reported in subsection (e)(1) of this Section;
 - B) The number of employees; and
 - C) The FEIN number;
 - D) The number of motor vehicles owned;
 - E) The primary location(s) of the vehicles;
 - F) The name, address and social security number of the payee for the

ENVIRONMENTAL PROTECTION AGENCY

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rebate; and

f) The signature of the owner.

f) Applications for costs incurred during calendar years 1997, 1998, 1999, 2000, 2001, and 2002 that meet the requirements of this Section and Section 275.210 of this Subpart must be submitted by December 31 of that calendar year, but if the cost was incurred in December then the application must be submitted by January 31 of the following year. Applications for costs incurred during calendar years 1997, 1998, 1999, 2000, and 2001 that meet the requirements of this Section and Section 275.220 of this Subpart must be submitted by December 31 of that calendar year, but if the cost was incurred in December then the application must be submitted by January 31 of the following year.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 275.250 Appeal of Agency Denial or Modification

a) An applicant whose application for a rebate has been denied by the Agency, or whose rebate is less than the amount for which the applicant applied, may appeal the denial or improper rebate modification by filing a notice of appeal with the Director of the Agency.

b) The notice of appeal must:

- 1) Be made in writing;
- 2) Be clearly marked "APPEAL OF ALTERNATE FUEL REBATE DENIAL OR MODIFICATION";
- 3) Include a copy of the original application and a copy of the denial or rebate modification received by the applicant; and
- 4) Identify which provisions of this Part the Agency did not properly apply and provide an explanation how the Agency allegedly misapplied the provisions of this Part.

c) The notice of appeal must be postmarked within 30 days after the date of mailing of the denial letter or the modification notification letter, as applicable.

d) The Director shall reverse the denial or modification:

- 1) If:
 - A) The procedures in this Part were incorrectly applied thereby resulting in a denial or a rebate that is less than the amount for which the applicant applied; or
 - B) Additional information available to the Director supports payment of a rebate to the applicant; and
- 2) If funds were available for the payment of a valid rebate at the time of the initial decision.

e) If the Director reverses the denial of the rebate, the applicant will retain its prioritization as determined pursuant to Section 275.240 for payment during the next payment cycle.

f) If the Director reverses the modification of the rebate, the applicant

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Will retain its Prioritization as determined pursuant to Section 275.240 for payment of the difference between the amount contained in the application and the amount contained in the modification notification letter during the next payment cycle.

If the Director affirms the Agency's denial or modification of the rebate, the applicant may file suit for injunctive or declaratory relief in the Circuit Court for Sangamon County or for the county in which the applicant resides.

(Source: Added at 24 Ill. Reg. _____)

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED RULE

1) Heading of the Part: Reimbursement Provision Contained in Individual and Group Accident and Health Policies

2) Code Citation: 50 Ill. Adm. Code 2020

3) Proposed Action:
Section Numbers:
 New Section
 2020.10
 New Section
 2020.20
 New Section
 2020.30
 New Section
 2020.40
 New Section
 2020.50
 New Section

4) Statutory Authority: Implementing Article IX and Sections 357.18 and 357.19 of the Illinois Insurance Code [215 ILCS 5/Art. IX, 357.18, 357.19] and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/401].

5) A Complete Description of the Subjects and Issues Involved: The proposed rule clarifies the Department's position as to how it implements and interprets Article IX and Sections 357.18 and 357.19 of the Illinois Insurance Code when considering the approval or disapproval of Individual and Group Accident and Health Policies. The proposed rule sets forth language to be used in a reimbursement provision which does not violate Sections 357.18 and 357.19 of the Illinois Insurance Code.

6) Will this proposed Rule replace an emergency rule currently in effect? No

7) Does this Rule contain an automatic repeal date? No

8) Does this proposed Rule contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: This rule will not require a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this Notice to:

Chuck Feinen
Staff Attorney
320 West Washington
Springfield, Illinois 62767-0001
(217) 557-1395

Denise Hamilton
Rules Unit Supervisor
Department of Insurance
320 West Washington
Springfield, Illinois 62767-0001
(217) 785-8560

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED RULE

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: Small insurance companies that offer Group and Individual Accident and Health Policies.

B) Reporting, bookkeeping or other procedures required for compliance: Most companies have already changed the language in their policy forms to be consistent with the Department's interpretation and implementation of the Sections of the Code that are involved.

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the two most recent agendas because: We did not anticipate the need for a rulemaking during the last regulatory agenda period.

The full text of the Proposed Rule begins on the next page:

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED RULE

TITLE 50: INSURANCE

CHAPTER I: DEPARTMENT OF INSURANCE

SUBCHAPTER Z: ACCIDENT AND HEALTH INSURANCE

PART 2020

REIMBURSEMENT PROVISION CONTAINED
IN INDIVIDUAL AND GROUP
ACCIDENT AND HEALTH POLICIES

Section	2020.10 Scope	2020.20 Purpose	2020.30 Definitions	2020.40 Reimbursement Provision
SOURCE:	Adopted	at	24	Ill. Reg. _____, effective _____.

Section 2020.10 Scope

This Part shall apply to any insurance company licensed to do business in this State which is transacting the kind or kinds of business described as Class 1(b) or Class 2(a) of Section 4 of the Illinois Insurance Code [215 ILCS 5/4].

Section 2020.20 Purpose

The purpose of this Part is to clarify policy form language concerning the application of Section 357.18 and 357.19 of the Illinois Insurance Code [215 ILCS 5/357.18 and 357.19] and the use of reimbursement provisions in such policy forms.

Section 2020.30 Definitions

Code means the Illinois Insurance Code including any of the Acts in Chapter 215 of the Illinois Insurance Code.

Department means the Illinois Department of Insurance.

Section 2020.40 Reimbursement Provision

a) In addition to any other requirements set forth in the Code or Department's regulations, if an insurer includes a reimbursement provision in its policy, that provision shall state as follows, unless otherwise approved by the Department pursuant to subsection (b)

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED RULE

of this Section:

Right of Reimbursement: If a covered person incurs expenses for sickness or injury that occurred due to the negligence of a third party:

- (i) we have the right to reimbursement for all benefits we paid from any and all damages collected from the third party for those same expenses whether by action at law, settlement, or compromise, by the covered person, covered person's parents, if the covered person is a minor, or covered person's legal representative as a result of that sickness or injury; and
- (ii) we are assigned the right to recover from the third party, or his or her insurer, to the extent of the benefits we paid for that sickness or injury.

We shall have the right to first reimbursement out of all funds the covered person, the covered person's parents if the covered person is a minor, or the covered person's legal representative, is or was able to obtain for the same expenses we have paid as a result of that sickness or injury.

You are required to furnish any information or assistance or provide any documents that we may reasonably require in order to obtain our rights under this provision. This provision applies whether or not the third party admits liability.

b) An insurer may not modify the standard reimbursement provision language in subsection (a) of this Section unless it receives prior approval from the Department. However, under no circumstances can the language stated in paragraph (i) of the standard reimbursement provision of subsection (a) of this Section be modified to circumvent Section 357.18 and 357.19 of the Code [215 ILCS 5/357.18 and 357.19]. The insurer shall notify the Department in its letter of submission made pursuant to 50 Ill. Adm. Code 916.40(b) of the proposed use of modified reimbursement language pursuant to this Section in all policy forms submitted for approval pursuant to Section 143 of the Code [215 ILCS 5/143] and 50 Ill. Adm. Code 916.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

of General Administrative Provisions

- 1) Heading of the Part: General Administrative Provisions
- 2) Code Citation: 89 Ill. Adm. Code 10
- 3) Section Numbers:

<u>Adopted Action:</u>
New Section
10.220
New Section
10.225
New Section
10.230
New Section
10.235
New Section
10.250
New Section
10.263
New Section
10.268
New Section
10.283
New Section
10.410
New Section
- 4) Statutory Authority: Implementing Article I through IX and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. I through IX and 12-13].
- 5) Effective Date of Amendments: May 16, 2000
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: January 21, 2000 (215 Ill. Reg. 965)
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version:
The following changes were made in the text of the proposed amendments:
 1. In Section 10.220(a), "age" was added before "race".
 2. In Section 10.250(b), "five" was changed to "ten".
 3. In Section 10.410(c)(3) and (d), "in" was changed to "on".
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will these amendments replace emergency amendments currently in effect? No

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

14) Are there any amendments pending on this part: No

15) Summary and Purpose of Amendments: This rulemaking adds to Department of Human Services' (DHS) rules provisions from the current rules of the Department of Public Aid (DPA) that need to be utilized by both agencies. To minimize confusion, the numbering of the new Sections has been designed to reflect the numbering of the DPA provisions from which the DHS provisions have been taken. This rulemaking also adds provisions for the reporting of elder abuse/neglect into the section on client's rights.

Subpart B (Rights Responsibilities) includes that following sections taken from current provisions of the Department of Public Aid rules at 89 Ill. Adm. Code 102.

New DHS Rules

Source in DPA Rules

10.220	102.20
10.225	102.25
10.230	102.30
10.235	102.35
10.250	102.50
10.263	102.63
10.268	None
10.283	102.83

Subpart C (Applications Process) includes the following section taken from current provisions of Department of Public Aid rules at 89 Ill. Adm. Code 110.

New DHS Rules

Source in DPA Rules

10.410	110.10
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16) Information and questions regarding these adopted amendments shall be directed to:
 Mrs. Susan Weir, Bureau Chief
 Bureau of Administrative Rules and Procedures
 Department of Human Services
 100 South Grand Avenue East
 3rd Floor, Harris Bldg.
 Springfield, Illinois 62762
 (217) 785-9772

The full text of adopted amendments begins on the next page:

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
 CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
 SUBCHAPTER A: GENERAL PROGRAM PROVISIONS

PART 10

GENERAL ADMINISTRATIVE PROVISIONS

SUBPART A: APPLICABILITY AND DEFINITIONS

Section	10.101	Incorporation by Reference
	10.110	Applicability
	10.120	Definitions
	10.130	Assistance Programs
	10.140	Assistance Program Restrictions
		SUBPART B: RIGHTS AND RESPONSIBILITIES
Section	10.210	Rights of Clients
	10.220	Nondiscrimination
	10.225	Grievance Rights of Clients
	10.230	Confidentiality of Case Information
	10.235	Case Records
	10.250	Reporting Change of Circumstances
	10.263	Reporting Child Abuse/Neglect
	10.268	Reporting Elder Abuse/Neglect
	10.270	Notice to Client
	10.280	Right to Appeal
	10.281	Continuation of Assistance Pending Appeal
	10.282	Time Limit for Filing an Appeal
	10.283	Examining Department Records
	10.284	Child Care
	10.290	Voluntary Repayment of Assistance
	10.295	Correction of Underpayments
	10.300	Recovery of Assistance
	10.310	Estate Claims
	10.320	Real Property Liens
	10.330	Filing and Renewal of Liens
	10.340	Foreclosure of Liens
	10.350	Release of Liens
	10.360	Personal Injury Claims
	10.370	Convictions of Fraud - Eligibility
	10.380	Single Conviction of Fraud - Administrative Review Board
		SUBPART C: APPLICATION PROCESS
Section	10.410	Application for Assistance
	10.415	Local Office Action on Application for Public Assistance

DEPARTMENT OF HUMAN SERVICES

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10.420 Time Limitations on the Disposition of an Application of Financial Assistance and Initial Authorization
10.430 Approval of an Application and Initial Authorization of Financial Assistance Approval Provisions
10.438 General Assistance Approval Provisions
10.440 Denial of an Application

AUTHORITY: Implementing Articles I through IX and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. I through IX and 12-13].

SOURCE: Emergency rules adopted at 21 Ill. Reg. 9515, effective July 1, 1997, for a maximum of 150 days; adopted at 21 Ill. Reg. 15515, effective November 26, 1997; amended at 22 Ill. Reg. 19816, effective November 1, 1998; amended at 23 Ill. Reg. 6944, effective January 1, 1999; amended at 24 Ill. Reg. 23 58 - Reg. 16700, effective MAY 16 2000, effective _____.

SUBPART B: RIGHTS AND RESPONSIBILITIES

Section 10.220 Nondiscrimination

a) No individual participating in any program or activity shall be discriminated against because of age, race, color, religious belief, political affiliation, sex, national origin or handicap.

b) No direct payment for goods and services provided shall be made to any agency, institution, organization or individual vendor that initiates or continues prohibited discriminatory practices.

c) Information regarding the Department's nondiscrimination policy shall be made available to all applicants at the time of application, all recipients upon request, all vendors receiving direct payment from the Department and all other interested parties as necessary.

d) Any aggrieved person may file a written complaint of alleged discriminatory conditions or practices encountered in the Department's programs and activities.

e) No individual or household applying for or participating in the food stamp program administered by the Department shall be discriminated against because of age, race, color, sex, handicaps, religious creed, national origin, or political beliefs. The individual/household is not to be discriminated against in any aspect of program administration, including but not limited to the certification of household, the issuance of benefits, the conduct of fair or fraud hearings, or the conduct of any other program service.

f) Individuals who believe that they have been subject to discrimination, as described in subsection (e) of this Section, may file written complaint. When an individual expresses an interest in filing a discrimination complaint, the Department is to:

A) explain the United States Department of Agriculture (USDA) complaint procedures (the procedure is outlined in 7 CFR 272.6(c)); and

DEPARTMENT OF HUMAN SERVICES

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B) explain the Department's complaint procedure; and

C) advise the individual of the right to file a complaint in either or both the USDA and/or Department complaint systems.

2) Information regarding the Department's nondiscrimination policy is to be made available to all households at the time of application, to any household upon request, and to all other interested parties as necessary.

7856 - 2

(Source: Added at 24 Ill. Reg. MAI 16 2000)

Section 10.225 Grievance Rights of Clients

a) When clients believe that they have not been treated with courtesy, consideration or respect by a Department employee, they or their representative may file a written grievance. The client may file a written grievance in any Department office, even if the grievance is against a staff person not working in that office.

b) The Department will investigate any written grievance that is filed within 60 days after the grievance was filed. A client grievance filed more than 60 days after the grievance will not be investigated by the Department.

c) Responsibility for Handling a Grievance

1) When the client is in the local office and files a grievance against a local office staff person, the intermediary will handle the grievance.

2) When the client is in the local office and files a grievance against the local office administrator, the local office administrator or designee will accept the grievance and notify the next higher level supervisor.

3) When the client is in the local office and files a grievance against other agency personnel, the work site manager will accept the grievance and notify the appropriate intermediary.

4) When the client is in any other Department office and files a grievance against a local office staff person or other agency personnel, the work site manager will accept the grievance and notify the appropriate intermediary within 48 hours.

d) Intermediary

1) An intermediary is a designated staff person who investigates and decides the merits of a client grievance. If necessary, the intermediary decides about disciplinary action.

2) For local office personnel, the intermediary is:

A) the local office administrator;

B) a management person designated by the local office administrator; or

C) the next higher level supervisor if the grievance is filed against the local office administrator.

3) For other agency personnel, the intermediary is:

DEPARTMENT OF HUMAN SERVICES

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A) the bureau chief of the employee against whom the grievance has been filed; or

B) a management person designated by the bureau chief.

1) Investigation and Conference

A) the name of the grievant;

B) the name of the worker or workers against whom the grievance is directed;

C) the person who heard the grievance, if a hearing was held;

D) the issue or issues involved; and

E) the resolution of the grievance and any appropriate effective dates.

2) The intermediary will investigate the grievance. If necessary, the intermediary will determine the merits of the grievance and any disciplinary action that may be indicated.

3) When the intermediary determines that the investigation indicates a need for action, the intermediary will send a copy of the grievance to the employee against whom the grievance was filed. Within ten days after the receipt of the grievance, the intermediary will arrange a conference between:

A) the client who filed the grievance;

B) the representative of the client who filed the grievance, if any;

C) the employee against whom the grievance was filed;

D) a representative designated by the employee, if any (For a bargaining unit employee, a representative of the bargaining unit may be the representative.); and

E) the intermediary.

4) The representative of the employee is allowed to:

A) be present to make sure that a bargaining unit employee's rights under the contract are not violated and that the collective bargaining agreement is not violated; and

B) be present to make sure a non-bargaining unit employee's rights under the rules of the Department of Central Management Services (80 Ill. Adm. Code 310) are not violated.

5) The meeting to hear a client's grievance is an informal conference controlled by the intermediary to obtain information from the client and the employee in order to determine the facts about the issue.

6) Within 15 calendar days after the conference, the intermediary will advise the client who filed the grievance, in writing, of any action being taken. The client will not be informed of disciplinary action taken against Department staff.

E) The Department will take corrective action when just cause is shown. The corrective action must be in accordance with the Agreements between the State of Illinois and the American Federation of State,

DEPARTMENT OF HUMAN SERVICES

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County and Municipal Employees or rules of the Department of Central Management Services (80 Ill. Adm. Code 302; Subpart K), whichever is applicable.

A) Added at 24 Ill. Reg. 7856, effective
MAY 16/2000

Section 10.230 Confidentiality of Case Information

a) For the protection of clients, any information about a client or case is confidential and shall be used only for purposes directly related to the administration of the assistance programs. The following shall be considered as included in the administration of the programs:

1) the establishment of a client's initial or continuing eligibility for public assistance;

2) the establishment or the extent of an individual's need for financial assistance, medical assistance or other services; and

3) the establishment of procedures assuring the health and safety of the client.

b) Use of information for commercial, personal, or political purposes is specifically prohibited.

c) Local office staff shall inform all agencies and governmental departments to whom information is furnished that this material is confidential and must be so considered by the agency or governmental department.

d) The current address of clients who are fugitive felons or probation/parole violators shall be disclosed to State and local law enforcement officers without client consent. For cash assistance, a fugitive felon is a person fleeing to avoid prosecution to avoid giving testimony, or to avoid incarceration as a result of his or her involvement in a felony case. For food stamp, a fugitive felon is a person fleeing to avoid prosecution or to avoid incarceration as a result of his or her involvement in a felony case. A person who has escaped from a correctional facility is a fugitive felon. The current address of clients shall be disclosed only to properly identified (i.e., law enforcement badge and/or identification card) State and local law enforcement officers who:

1) provide the Department with the name and social security number of the client; and

2) satisfy the requirements of 45 CFR 205.50(a)(v)(A)-(C)(1984).

The client shall not be advised of the disclosure of such information.

(Source: Added at 24 Ill. Reg. 7856, effective
MAY 16/2000)

Section 10.235 Case Records

DEPARTMENT OF HUMAN SERVICES

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a) The case record is a business record and shall constitute an official record of the Department concerning clients.

b) A case record shall be established for each applicant and maintained for each recipient.

c) The case record shall indicate the basis for approval or denial of the application.

d) A case record shall be established and maintained for each applicant and participant in the food stamp program. A separate food stamp case record shall be maintained for each non-assistance household.

1) For assistance households, the food stamp record shall be maintained in an isolated section of the regular income maintenance case record.

2) The case record shall be documented to support eligibility, ineligibility and benefit level determination. When verification is needed to resolve questionable information, the case record shall indicate the reason the information was considered questionable and what documentation was used to resolve the questionable information. The case record shall also indicate the reason why an alternate source of verification was needed.

(Source: Added at 24 Ill. Reg. 78 56 - 3, effective MAY 16 2000)

Section 10.250 Reporting Change of Circumstances

a) General

It is the responsibility of the client to report any change in circumstances, including but not limited to household composition or receipt of income or assets that might affect the client's assistance. This information shall be reported to the local office within ten working days after the change or prior to the expenditure of funds received whenever occurs first.

(Source: Added at 24 Ill. Reg. 78 56 - 3, effective MAY 16 2000)

b) When an individual other than the recipient maintains the recipient's funds (income and/or assets), it is the responsibility of that individual to report any changes in circumstances to the local office. Any changes that may affect the recipient's continued eligibility for financial assistance, including receipt of lump-sum payments, shall be reported to the local office within ten working days after the change.

(Source: Added at 24 Ill. Reg. 78 56 - 3, effective MAY 16 2000)

Section 10.263 Reporting Child Abuse/Neglect

a) As mandated by the Abused and Neglected Child Reporting Act [22 ILCS 10/1.120], Department field staff are required to immediately report to the Department of Children and Family Services suspected abuse or neglect.

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A report is to be filed when there is reason to believe a child may be an abused or neglected child or when information is received that a child may be an abused or neglected child. Abuse or neglect, as defined by State law (Section 3 of the Abused and Neglected Child Reporting Act [325 ILCS 5/3]) and the rules and regulations of the Department of Children and Family Services (89 Ill. Adm. Code 302: Subpart B) is reportable.

b) This reporting requirement applies to all Department staff. This includes income maintenance and any other staff who suspect that a child, with whom they have had contact in a working capacity, is an abused or neglected child.

(Source: Added at 24 Ill. Reg. 78 56 - 3, effective MAY 16 2000)

Section 10.268 Reporting Elder Abuse/Neglect

a) As mandated by the Elder Abuse and Neglect Act, Department staff, while engaged in carrying out their professional duties, are required to report the abuse, neglect or financial exploitation of any Illinois resident 60 years of age or older who lives in the community when the older person is unable to self-report. Elder abuse is defined in Section 2 of the Elder Abuse and Neglect Act [320 ILCS 20/2] as causing any physical, mental or sexual injury to an eligible adult, including exploitation of such adult's financial resources.

b) Elder abuse must be reported within 24 hours, to the Department on Aging's Elder Abuse and Neglect Program.

c) This reporting requirement applies to all Department staff who suspect that an older person, with whom they have had contact in a working capacity, is an abused elder.

(Source: Added at 24 Ill. Reg. 78 56 - 3, effective MAY 16 2000)

Section 10.283 Examining Department Records

At any time during the regular office hours of the Department, the Department shall permit a client (as defined at Section 10.120) and/or a client's authorized representative to examine the client's case records in the presence of a Department employee and to obtain copies of such case record materials upon payment of a charge for reproduction.

(Source: Added at 24 Ill. Reg. 78 56 - 3, effective MAY 16 2000)

SUBPART C: APPLICATION PROCESS

Section 10.410 Application for Assistance

DEPARTMENT OF HUMAN SERVICES

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a) An application is a signed request for assistance on a Department of Human Services (Department) form which has been completed to the best of the client's knowledge and ability.

b) The application must contain an original signature or signatures. If the application does not contain an original signature or signatures, the local office shall return the application to the sender to obtain the original signature or signatures.

c) The application must be signed by the applicant with the following exceptions:

- 1) When a conservator has been appointed for the applicant, the conservator must sign the application.
- 2) When the applicant is physically or mentally unable to sign the application, the application may be signed by someone acting responsibly in behalf of the applicant.
- 3) When application is made on behalf of a child, the child's caretaker must sign the application.
- 4) When the applicant has appointed an authorized representative with the Department. (An authorized representative is a person authorized by the applicant to act on his or her behalf.)
- d) Application for medical assistance may be made on behalf of a deceased person. In order for payment to be made by the Department for the funeral and burial expenses of the decedent, the completed application must be received in the local office not more than 30 calendar days after the individual's death, excluding the day on which death occurred, unless delay in receipt of the form occurred through no fault of the individual applying.
- e) The applicant may be assisted by the Department and by individuals of the applicant's choice in completing the application.
- f) The date of application shall be the date a completed original application is received by the local office serving the area of the State in which the applicant lives, with one exception: for applications completed by pregnant women and children under age 18 at a disproportionate share hospital or federally qualified health center, the date the application is signed by the applicant shall be the date of application.

(Source: Added at 24 Ill. Reg. 7856 - 2, effective May 16, 2011)

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Public Information, Rulemaking and Organization

2) Code Citation: 2 Ill. Adm. Code 1200

3) Section Numbers: 1200.100
Adopted Action:
Amendment

4) Statutory Authority: 5 ILCS 100/5-15

5) Effective Date of Rulemaking: May 18, 2000

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? No

8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: This is an internal rulemaking and filed as adopted.

10) Has JCAR issued a Statement of Objections to these rules? No

11) Difference(s) between proposal and final version: This regulation is final as adopted.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? This is an internal rulemaking and filed as adopted.

13) Will this rulemaking replace an emergency rule currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rulemaking: This rulemaking corrects an incorrect citation to the Department's website.

16) Information and questions regarding this adopted amendment shall be directed to:

Name: Jerilynn Gorden
Address: Senior Counsel, Sales and Excise Tax
Illinois Department of Revenue
Legal Services Office
101 West Jefferson
Springfield, Illinois 62794
Telephone: 217/782-6996

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

The full text of the adopted amendments begins on the next page:

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

TITLE 2: GOVERNMENTAL ORGANIZATION

SUBTITLE D: CODE DEPARTMENTS

CHAPTER XXI: DEPARTMENT OF REVENUE

PART 1200
PUBLIC INFORMATION, RULEMAKING AND ORGANIZATION

SUBPART A: PUBLIC INFORMATION

Section 1200.100	General Information and Taxpayer Assistance
1200.110	Private Letter Rulings
1200.120	General Information Letters
1200.130	Department Publications

SUBPART B: RULEMAKING

Section 1200.200	Procedures
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SUBPART C: ORGANIZATION

Section 1200.300	Department Organization
1200.310	Regional Offices

TABLE A Organizational Chart

AUTHORITY: Implementing Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100/5-15] and authorized by Section 2505-795 of the Civil Administrative Code [20 ILCS 2505/2505-795].

SOURCE: Adopted at 17 Ill. Reg. 7054, effective May 3, 1993; ~~amended at 24 Ill. Reg. 6943, effective April 21, 2000; amended at 24 Ill. Reg. 7866~~, effective May 18, 2000.

SUBPART A: PUBLIC INFORMATION

Section 1200.100 General Information and Taxpayer Assistance

a) Public information concerning tax acts administered by the Department of Revenue, tax forms and tax return filing information may be obtained by visiting a Regional Office of the Department of Revenue (for Regional Office locations, see Section 1200.310); by calling one of the following information and assistance lines:

(800) 732-8866
(217) 782-3336

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NOTICE OF ADOPTED AMENDMENTS

TTY -- Telecommunications Device (2117) 785-4270
for the hearing impaired

or by writing:

Taxpayer Information Division
P.O. Box 19001
Springfield, Illinois
62794-9001

b) General information regarding the Department and various topics of general interest to taxpayers and tax practitioners can be found at the Department's website at www.revenue.state.il.us/www/revenue/ilstate/revenue.

(Source: Amended at 24 Ill. Reg. ~~7866~~, effective May 18, 2000)

ILLINOIS COMMERCE COMMISSION

NOTICE OF EMERGENCY AMENDMENTS

- 1) Heading of the Part: Approval of Negotiated Agreements
- 2) Code Citation: 83 Ill. Adm. Code 763
- 3) Section Numbers:

763.30	Emergency Action: Amendment
763.105	New Section
763.230	Amendment
763.1000	New Section
763.1010	New Section
763.1020	New Section
763.1030	New Section
763.1040	New Section
763.1045	New Section
763.1050	New Section
763.1060	New Section
- 4) Statutory Authority: Implementing Section 252 of the Communications Act of 1994 (47 USC 252) and Section 10-101 of the Public Utilities Act and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/10-101] and Section 25-101 of the Electronic Commerce Security Act [5 IDCS 175/25-101].
- 5) Effective Date of Amendments: May 22, 2000
- 6) If these emergency amendments are to expire before the end of the 150-day period, please specify the date on which they are to expire: Not applicable
- 7) Date Filed with the Index Department: May 19, 2000
- 8) A copy of the emergency amendments, including any material incorporated by reference, is on file in the Commission's Principal Office in Springfield and is available for public inspection.
- 9) Reason for Emergency: The rules that govern proceedings before the Illinois Commerce Commission are contained in the Commission's "Rules of Practice" (83 Ill. Adm. Code 200). These rules control every aspect of docketed proceedings before the Commission, from the filing of complaints to appeals of Commission final orders. In addition to the Rules of Practice, however, there are four separate parts that deal with the specialized practice before the Commission in the field of telecommunications. Three of these, 83 Ill. Adm. Code 761, "Arbitration Practice", 83 Ill. Adm. Code 762, "Approval or Rejection of Arbitrated Agreements", and 83 Ill. Adm. Code 763, "Approval of Negotiated Agreements" implement the Communications Act of 1934, while the fourth, 83 Ill. Adm. Code 766, "Telecommunications Enforcement", implements Sections 13-515 and 13-516 of the Public Utilities Act. Many of the procedures of

ILLINOIS COMMERCE COMMISSION
NOTICE OF EMERGENCY AMENDMENTS

Part 200 were modified for inclusion in the four telecommunications parts. The advent of new technology has given the Commission and those who practice before it the ability to send and receive information by electronic means faster and more inexpensively than by the sole use of paper documents. The law has been attempting to keep up with technological change. In 1999, the Electronic Commerce Security Act ("ECSA") [5 ILCS 175] became effective. Section 5-101 of the ECSA states that one of the purposes of the legislation is "[t]o facilitate electronic filing of documents with State and local government agencies, and promote efficient delivery of government services by means of reliable electronic records".

Article 25 of the ECSA deals with the use of electronic records by State agencies. Section 25-101(a) authorizes each agency to determine if, and the extent to which, it will send and receive electronic records and electronic signatures to and from other persons and otherwise create, use, store, and rely upon electronic records and electronic signatures. Section 25-101(b) authorizes State agencies to specify, by rule, formats, acceptable electronic signatures, control processes, and any other reasonably necessary attributes. Subsection (c) requires an agency's rules to include the relevant minimum security requirements established by the Department of Central Management Services, if any.

Section 10-101 of the Public Utilities Act [220 ILCS 5/10-101] gives the Commission the power to adopt rules to govern its proceedings. The ECSA encourages the exercise of the Commission's authority to use documents created in electronic formats. Toward the end of using available technology to allow persons outside of the Commission to file and retrieve electronic documents, the Commission has created "e-Docket", an electronic filing, reporting, and case management system accessible to the general public on the World Wide Web.

e-Docket is a web-based, automated information and records-keeping system. It was developed to process and manage public information about the Commission's docketed proceedings. e-Docket has a variety of practical uses. Anyone interested in case proceedings conducted by the Commission may visit the e-Docket web site at <http://eweb.icc.state.il.us/e-docket> and view a wealth of information about active and closed cases initiated on or after January 3, 2000. Users with e-Docket accounts may submit filings of applications, petitions, motions, and so forth, directly to the Commission over the Internet.

In order for the public to use e-Docket for the official filing of documents with the Commission, it is necessary to amend relevant Commission rules, including Part 763, to include the electronic world. The Commission has determined that it is a matter of the utmost urgency that Part 763 be amended immediately by the use of the emergency rulemaking procedures of the Illinois Administrative Procedure Act. Failure to act

ILLINOIS COMMERCE COMMISSION

NOTICE OF EMERGENCY AMENDMENTS

immediately will cost those who practice before the Commission and the Commission itself time and resources that could better be directed elsewhere. The savings to the State of Illinois itself by the reduced flow of paper cannot be discounted. The failure of the Commission to act in an expeditious manner would represent a threat to the welfare of the citizens of Illinois. While the Electronic Commerce Security Act gives the primary responsibility for the development of rules for security in electronic transactions involving State agencies to the Department of Central Management Services, the Commission is of the opinion that the public will be served by the Commission's taking action at this time. The Commission will closely monitor the actions of the Department of Central Management Services in order to ensure that Commission rules are consistent with State law on an ongoing basis, but believes that the action taken here, in advance of Department action proposing new rules, is necessary to allow the Commission and those who avail themselves of the Commission as a forum to use electronic technology as soon as possible.

10) A Complete Description of the Subjects and Issues Involved: This rulemaking amends current Commission rules to allow electronic filing and adds Subpart F that establishes a mechanism for persons to apply for and receive e-Docket accounts, provides formats for the sending of electronic documents and control processes, and specifies the uses to which electronic documents may be used in Commission proceedings.

11) Are there any proposed amendments to this Part pending: No
12) Statement of Statewide Policy Objectives: These emergency amendments neither create nor expand any State mandate on units of local government, school districts, or community college districts.

13) Information and questions regarding these emergency amendments shall be directed to:
Conrad S. Rubinkowski
Office of General Counsel
Illinois Commerce Commission
527 East Capitol Avenue
P.O. Box 19280
Springfield, IL 62794-9280
(217) 785-3922
Fax: (217) 524-9280

The full text of the Emergency Amendments appears on the next page:

ILLINOIS COMMERCE COMMISSION

NOTICE OF EMERGENCY AMENDMENTS

TITLE 83: PUBLIC UTILITIES
 CHAPTER I: ILLINOIS COMMERCE COMMISSION
 SUBCHAPTER F: TELEPHONE UTILITIES

PART 763

APPROVAL OF NEGOTIATED AGREEMENTS

SUBPART A: GENERAL PROVISIONS

Section	Procedure Governed
763.10	Deviation from this Part
763.20	Definitions
763.30	
EMERGENCY	
763.40	Authority of Hearing Examiner
763.50	Federal Preemption of State Court Review
763.60	Failure to Act

SUBPART B: FORM, FILING AND SERVICE OF DOCUMENTS

SCHEDULING AND DISCOVERY PROCEDURES

Section	Communications to the Commission
763.100	
763.105	<u>Form of Pleadings and Documents</u>
EMERGENCY	
763.110	Filing of Petition for Approval of Negotiated Agreement
763.120	Required Disclosures
763.130	Contents of Documents
763.140	Copies of Documents
763.150	Service

SUBPART C: INFORMATION GATHERING PROCEDURE

Section	Scheduling Conferences
763.200	Failure to Comply with a Discovery Order or a Subpoena
763.210	Protective Orders
763.230	
EMERGENCY	

SUBPART D: INFORMATION GATHERING PROCEDURE

Section	Disqualification of Hearing Examiner
763.300	Transcripts
763.320	Consolidation and Severance
763.330	Information to be Adduced
763.340	Information to be Under Oath or Affirmation
763.350	Stipulation of Facts
763.360	Exhibits

ILLINOIS COMMERCE COMMISSION

NOTICE OF EMERGENCY AMENDMENTS

TITLE 83: PUBLIC UTILITIES
 CHAPTER I: ILLINOIS COMMERCE COMMISSION
 SUBCHAPTER E: PROCEDURE FOLLOWING INFORMATION GATHERING

PART 763

APPROVAL OF NEGOTIATED AGREEMENTS

GENERAL PROVISIONS

Section	Briefs
763.400	Draft Proposed Decisions
763.410	Hearing Examiner's Proposed Decision
763.420	Exceptions; Reply
763.430	Filing of Briefs
763.440	Oral Argument
763.450	Additional Hearings
763.460	Reopening on Motion of the Commission

SUBPART F: ELECTRONIC FILING

OVERVIEW OF ELECTRONIC FILING

Section	EMERGENCY
763.1000	Overview of Electronic Filing
763.1010	Acceptable Formats
EMERGENCY	
763.1020	e-Docket Accounts
EMERGENCY	
763.1030	Control Processes
EMERGENCY	
763.1040	Submission of Electronic Documents
EMERGENCY	
763.1045	Electronic Documents Accepted by the Commission
EMERGENCY	
763.1050	Service by Electronic Means
EMERGENCY	
763.1060	Electronic Documents and the Hearing Process
EMERGENCY	

AUTHORITY: Implementing Section 252 of the Communications Act of 1934 (47 USC 252) and Section 10-101 of the Public Utilities Act and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/10-101] and Section 25-101 of the Electronic Commerce Security Act [5 ILCS 175/25-101].

SOURCE: Emergency rules adopted at 20 Ill. Reg. 8527, effective June 18, 1996, for a maximum of 150 days; emergency rules suspended at 20 Ill. Reg. 14285, effective November 1, 1996; emergency suspension withdrawn at 21 Ill. Reg. 5660, effective May 2, 1997; adopted at 21 Ill. Reg. 6454, effective May 16, 1997; emergency amendment at 24 Ill. Reg. 78-70, effective May 22, 2000, for a maximum of 150 days.

GENERAL PROVISIONS

ILLINOIS COMMERCE COMMISSION

NOTICE OF EMERGENCY AMENDMENTS
EMERGENCY

Unless otherwise defined, the following terms as used in this Part shall have the following meanings:

"Commissioner" means a member of the Commission.

"Documents" means petitions, amended and supplemental petitions, written discovery, answers to discovery, motions, responses, replies, notices, suggested findings of fact and conclusions of law, exceptions to Hearing Examiners' proposed orders, briefs, drafts or suggested forms of order, and similar writings.

"Electronic" includes electrical, digital, magnetic, optical, capabilities similar to these technologies. [220 ILCS 5/3-122]

"Electronic document" means a pleading or a document transmitted by electronic means to the Commission with an electronic signature attached.

"Electronic record" means a record generated, communicated, received, or stored by electronic means for use in an information system or for transmission from one information system to another. [5 ILCS 175/5-105]

"Electronic signature" means a signature in electronic form issued by the Commission pursuant to Section 763.1020 and consisting of a user I.D. and password attached to or logically associated with an electronic document.

"E-mail address" means a destination, commonly expressed as a string of characters, to which electronic mail may be sent or delivered. [815 ILCS 5/11/5]

"Hearing Examiner" means an employee of the Commission, or a Commissioner, designated by the Commission to conduct proceedings pursuant to Section 252(e) of the Communications Act of 1934 (47 U.S.C. 252).

"Intervenor" means a person who, upon written petition, is permitted to intervene in any proceeding under this Part.

"Party" means any person who enters into a negotiated agreement for which Commission approval is sought under 47 U.S.C. 252(e); or, any person allowed by the Commission or Hearing Examiner to intervene in a proceeding. Staff is not a party but shall have the specific rights

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and duties of parties as enumerated in this Part.

"Person" means any individual, partnership, corporation, governmental body or unincorporated association.

"Staff" or "Commission Staff" means individuals employed by the Commission. For purposes of this Part, a Hearing Examiner is not considered a member of the Commission Staff.

(Source: Amended by emergency rulemaking at 24 Ill. Reg. 7870, effective May 22, 2000, for a maximum of 150 days.)

SUBPART B: FORM, FILING AND SERVICE OF DOCUMENTS

Section 763.105 Form of Pleadings and Documents
EMERGENCY

- a) All pleadings and documents filed with the Commission shall be typewritten or printed on paper cut or folded or capable of being printed on paper 8 1/2 inches by 11 inches and shall have inside margins of one inch. All exhibits of a documentary character shall, whenever practical, conform to these requirements of size and margin. The impression shall be on one side of the paper only and shall be double spaced; footnotes and quotations may be single spaced and indented.
- b) All pleadings or other documents shall be composed in either Arial or Times New Roman font and shall be at least 12-point or larger.
- c) Reproductions may be by any process, provided that all copies are clear and permanently legible.

(Source: Added by emergency rulemaking at 24 Ill. Reg. 7870, effective May 22, 2000, for a maximum of 150 days.)

SUBPART C: SCHEDULING AND DISCOVERY PROCEDURES

Section 763.230 Protective Orders
EMERGENCY

- a) At any time during the pendency of a proceeding, the Commission or the Hearing Examiner may, on the motion of any person, enter an order to protect the confidential, proprietary or trade secret nature of any data, information or studies.
 - A person filing a motion for a protective order shall specify the proposed expiration date for the proprietary status of the data, information or studies. The proposed expiration date shall be no more than five years from the date of submission. If no date is specified, the proposed expiration date for the proprietary status of the data, information or studies shall be two years from the date of submission.
- b) A person filing a motion for a protective order shall specify the proposed expiration date for the proprietary status of the data, information or studies. The proposed expiration date shall be no more than five years from the date of submission. If no date is specified, the proposed expiration date for the proprietary status of the data, information or studies shall be two years from the date of submission.

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c) An electronic document submitted and marked as proprietary shall be treated as a request for a protective order under this Section.
 d) A public redacted version of each document submitted pursuant to this Section must also be submitted with the proprietary version.

(Source: Amended by emergency rulemaking at 24 Ill. Reg. 7870, effective May 22, 2000, for a maximum of 150 days)

SUBPART F: ELECTRONIC FILING

Section 763.1000 Overview of Electronic Filing

EMERGENCY

One of the stated purposes of the Electronic Commerce Security Act is to facilitate electronic filing of documents with State and local government agencies, and promote efficient delivery of services by means of reliable electronic records. [5 ILCS 1.75/1-105(3)] The Electronic Commerce Security Act authorizes State agencies to send and receive electronic records and electronic signatures. In addition, the Commission has the authority over its process and proceedings pursuant to Section 10-101 of the Public Utilities Act. [220 ILCS 5/10-101]. To that end, the Commission is committed to facilitating the filing, distributing, and accessing of documents electronically, subject to this Part. The Commission has created an electronic filing system known as "e-Docket". e-Docket is a Web based program that allows electronic filing, management, and access to electronic records that make up case files. Any person may file a document in an electronic format. However, nothing in this Part should be construed to require any person to file any document in an electronic format.

(Source: Added by emergency rulemaking at 24 Ill. Reg. 7870, effective May 22, 2000, for a maximum of 150 days)

Section 763.1010 Acceptable Formats

EMERGENCY

a) All electronic documents submitted to the Commission via e-Docket shall be in one of the following formats:

- 1) Microsoft Word for Windows, version 6.0 and greater;
- 2) Corel WordPerfect for Windows, version 6.0 and greater;
- 3) Microsoft Excel for Windows, version 4.0 and greater;
- 4) Lotus 1-2-3 for Windows, version 4.0 and greater;
- 5) ASCII Text;
- 6) Adobe Acrobat 2.0 and greater.

b) All e-Docket electronic records will be stored by the Commission in Adobe Acrobat Portable Document Format (PDF). Electronic documents not submitted in the PDF format will be converted to PDF by the Commission.

c) The Commission encourages persons to submit electronic documents in

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PDF.

(Source: Added by emergency rulemaking at 24 Ill. Reg. 7870, effective May 22, 2000, for a maximum of 150 days)

Section 763.1020 e-Docket Accounts

EMERGENCY

a) Each person seeking to file electronic documents must have an active e-Docket account.

b) The application for an e-Docket account is available on e-Docket on the Commission's Web site or can be obtained by calling or e-mailing the e-Docket help desk.

c) The e-Docket application requires the following information:

- 1) First name and last name;
- 2) Primary mailing address and phone number;
- 3) Preferred user name;
- 4) Password;
- 5) Challenge question and answer; and
- 6) Notarized signature.

d) Applications must be hand-delivered or mailed to the e-Docket help desk.

e) The user is responsible for keeping confidential the user I.D. and password. A user I.D. must be at least four characters in length, and must be unique. Passwords must be at least five characters in length. Periodically passwords will expire and users will be given advance notice and requested to enter a new password. The challenge question and answer will enable e-Docket to recover a password for a user who has forgotten his or her password.

f) Because of the unique user I.D. and password, an electronic document can be traced to a specific individual as if it were signed. This shall serve as an electronic signature on the filings.

(Source: Added by emergency rulemaking at 24 Ill. Reg. 7870, effective May 22, 2000, for a maximum of 150 days)

Section 763.1030 Control Processes

EMERGENCY

a) e-Docket allows only users with I.D. and passwords to file electronic documents.

b) Only members of the service list for a particular proceeding are allowed to file electronic documents in that case. This does not prohibit the electronic filing of petitions to intervene in a case in which the person filing the petition is not yet a member of the service list.

c) Filings are scanned for computer viruses prior to being uploaded into the e-Docket system and will be rejected if the filing is infected.

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The submitter of such an electronic document will be notified of the rejection.

d) The Web browser must be set to accept cookies in order for users to submit electronic documents. Cookies identify users and instruct the server to send a customized version of the requested Web page to the user. Cookies also submit account information for the user.

e) e-Docket logs every filing with the user I.D., date, time, and file size information.

(Source: Added by emergency rulemaking at 24 Ill. Reg. **7870**, effective May 22, 2000, for a maximum of 150 days)

Section 763.1040 Submission of Electronic Documents

EMERGENCY

a) Persons filing electronic documents shall receive a receipt with an identification number that shall be sent electronically. Documents that are required to be verified or that have an affidavit shall be deemed to be officially filed or received only when the person submitting the electronic document submits to the Commission the original verification page(s) accompanied by a printed copy of the electronic receipt for that document.

b) The filing of an electronic document is effective upon acceptance of the complete document and any required original verification page(s) by the Chief Clerk of the Commission in one of the formats specified in Section 763.1010(a).

(Source: Added by emergency rulemaking at 24 Ill. Reg. **7870**, effective May 22, 2000, for a maximum of 150 days)

Section 763.1045 Electronic Documents Accepted by the Commission

EMERGENCY

All documents either initiating a proceeding subject to this Part or filed in a proceeding subject to this Part may be submitted to the Commission as electronic documents.

Section 763.1050 Service by Electronic Means

EMERGENCY

a) Service by electronic means is allowed when agreed to by individual parties. Notwithstanding Section 763.150, any party required to serve a pleading or other document may serve copies of pleadings and other documents on other parties of record by electronic means in substitution of first class mail. Because of pagination and format

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concerns, the parties are encouraged to serve in PDF format. When serving by electronic means, service is deemed complete on the day of electronic transmission if transmitted prior to 5:00 p.m. on that day.

b) If any party files a proprietary electronic document (see Section 763.230), that party must serve the proprietary electronic document on any other party of record that has the right to see such document through any means, such as a confidentiality agreement. The e-Docket system does not allow any person outside of the Commission to see or access proprietary electronic documents.

(Source: Added by emergency rulemaking at 24 Ill. Reg. **7870**, effective May 22, 2000, for a maximum of 150 days)

Section 763.1060 Electronic Documents and the Hearing Process

EMERGENCY

If any electronic document is offered and received at a hearing in an arbitration proceeding, the official copy is the electronic document as filed and found in the e-Docket system. If a prefilled electronic document is submitted without alteration at hearing, any requirement to offer multiple copies at hearing and to have such copies stamped is eliminated. If any prefilled electronic document is altered at hearing in any way, the sponsoring party must serve the complete altered electronic document on the Commission and the other parties of record within seven days of that hearing or, if applicable, within seven days of the end of a continuous, day-to-day set of hearings, unless otherwise directed by the Hearing Examiner.

(Source: Added by emergency rulemaking at 24 Ill. Reg. **7870**, effective May 22, 2000, for a maximum of 150 days)

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1) Heading of the Part: Approval or Rejection of Arbitrated Agreements2) Code Citation: 83 Ill. Adm. Code 762Emergency Action:AmendmentNew SectionAmendmentNew SectionNew Section

Part 200 were modified for inclusion in the four telecommunications parts.

The advent of new technology has given the Commission and those who practice before it the ability to send and receive information by electronic means faster and more inexpensively than by the sole use of paper documents. The law has been attempting to keep up with technological change. In 1999, the Electronic Commerce Security Act ("ECSA") [5 ILCS 175] became effective. Section 5-101 of the ECSA states that one of the purposes of the legislation is "to facilitate electronic filing of documents with State and local government agencies, and promote efficient delivery of government services by means of reliable electronic records".

Article 25 of the ECSA deals with the use of electronic records by State agencies. Section 25-101(a) authorizes each agency to determine if, and the extent to which, it will send and receive electronic records and electronic signatures to and from other persons and otherwise create, use, store, and rely upon electronic records and electronic signatures. Section 25-101(b) authorizes State agencies to specify, by rule, formats, acceptable electronic signatures, control processes, and any other reasonably necessary attributes. Subsection (c) requires an agency's rules to include the relevant minimum security requirements established by the Department of Central Management Services, if any.

Section 10-101 of the Public Utilities Act [220 ILCS 5/10-101] gives the Commission the power to adopt rules to govern its proceedings. The ECSA encourages the exercise of the Commission's authority to use documents created in electronic formats. Toward the end of using available technology to allow persons outside of the Commission to file and retrieve electronic documents, the Commission has created "e-Docket", an electronic filing, reporting, and case management system accessible to the general public on the World Wide Web.

e-Docket is a web-based, automated information and records-keeping system. It was developed to process and manage public information about the Commission's docketed proceedings. e-Docket has a variety of practical uses. Anyone interested in case proceedings conducted by the Commission may visit the e-Docket web site at <http://eweb.iccc.state.il.us/e-docket> and view a wealth of information about active and closed cases initiated on or after January 3, 2000. Users with e-Docket accounts may submit filings of applications, petitions, motions, and so forth, directly to the Commission over the Internet.

In order for the public to use e-Docket for the official filing of documents with the Commission, it is necessary to amend relevant Commission rules, including Part 762, to include the electronic world. The Commission has determined that it is a matter of the utmost urgency that Part 762 be amended immediately by the use of the emergency rulemaking procedures of the Illinois Administrative Procedure Act. Failure to act

4) Statutory Authority: Implementing Section 252 of the Communications Act of 1934 (47 USC 252) and Section 10-101 of the Public Utilities Act and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/10-101] and Section 25-101 of the Electronic Commerce Security Act [5 ILCS 175/25-101].

5) Effective Date of Amendments: May 22, 2000

6) If these emergency amendments are to expire before the end of the 150-day period, please specify the date on which they are to expire: Not applicable

7) Date Filed with the Index Department: May 19, 2000

8) A copy of the emergency amendments, including any material incorporated by reference, is on file in the Commission's principal office in Springfield and is available for public inspection.

9) Reason for Emergency: The rules that govern proceedings before the Illinois Commerce Commission are contained in the Commission's "Rules of Practice" (83 Ill. Adm. Code 200). These rules control every aspect of docketed proceedings before the Commission, from the filing of complaints to appeals of Commission final orders. In addition to the Rules of practice, however, there are four separate parts that deal with the specialized practice before the Commission in the field of telecommunications. Three of these, 83 Ill. Adm. Code 761, "Arbitration Practice", 83 Ill. Adm. Code 762, "Approval or Rejection of Arbitrated Agreements", and 83 Ill. Adm. Code 763, "Approval of Negotiated Agreements" implement the Communications Act of 1934, while the fourth, 83 Ill. Adm. Code 766, "Telecommunications Enforcement", implements Sections 13-515 and 13-516 of the Public Utilities Act. Many of the procedures of

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immediately will cost those who practice before the Commission and the Commission itself time and resources that could better be directed elsewhere. The savings to the State of Illinois itself by the reduced flow of paper cannot be discounted. The failure of the Commission to act in an expeditious manner would represent a threat to the welfare of the citizens of Illinois. While the Electronic Commerce Security Act gives the primary responsibility for the development of rules for security in electronic transactions involving State agencies to the Department of Central Management Services, the Commission is of the opinion that the public will be served by the Commission's taking action at this time. The Commission will closely monitor the actions of the Department of Central Management Services in order to ensure that Commission rules are consistent with State law on an ongoing basis, but believes that the action taken here, in advance of Department action proposing new rules, is necessary to allow the Commission and those who avail themselves of the Commission as a forum to use electronic technology as soon as possible.

- 10) A Complete Description of the Subjects and Issues Involved: This rulemaking amends current Commission rules to allow electronic filing and adds Subpart F that establishes a mechanism for persons to apply for and receive e-Docket account, provides formats for the sending of electronic documents and control processes, and specifies the uses to which electronic documents may be used in Commission proceedings.
- 11) Are there any proposed amendments to this Part pending? No
- 12) Statement of Statewide Policy Objectives: These emergency amendments neither create nor expand any State mandate on units of local government, school districts, or community college districts.
- 13) Information and questions regarding these emergency amendments shall be directed to:

Conrad S. Rubinkowski
Office of General Counsel
Illinois Commerce Commission
527 East Capitol Avenue
P.O. Box 19280
Springfield, IL 62794-9280
Phone: (217) 785-3922
Fax: (217) 524-9280

The full text of the Emergency Amendments appears on the next page:

ILLINOIS REGISTER

ILLINOIS COMMERCE COMMISSION

NOTICE OF EMERGENCY AMENDMENTS

TITLE 83: PUBLIC UTILITIES
CHAPTER I: ILLINOIS COMMERCE COMMISSION
SUBCHAPTER F: TELEPHONE UTILITIES

PART 762
APPROVAL OR REJECTION OF ARBITRATED AGREEMENTS

SUBPART A: GENERAL PROVISIONS

Section	762.10	Procedure Governed by Deviation from this Part
EMERGENCY	762.20	Definitions
EMERGENCY	762.30	

PART 762
FORM, FILING AND SERVICE OF DOCUMENTS
SUBPART B: FORM, FILING AND SERVICE OF DOCUMENTS
Section
762.100 Communications to the Commission
762.105 Form of Pleadings and Documents

PART 762
FEDERAL PREEMPTION OF STATE COURT REVIEW
SUBPART C: PRE-DECISIONAL PROCEDURE
Section
762.50 Federal Preemption of State Court Review
762.60 Failure to Act

PART 762
SUBMISSION FOR COMMISSION APPROVAL OF AN ARBITRATED AGREEMENT
SUBPART D: DECISIONAL PROCEDURE
Section
762.110 Submission for Commission Approval of an Arbitrated Agreement
762.115 Protective Orders
762.120 Filing of Comments
762.130 Service

PART 762
DISQUALIFICATION OF HEARING EXAMINER
SUBPART E: POST-COMMENT PROCEDURE
Section
762.300 Disqualification of Hearing Examiner
762.310 Consolidation and Severance
762.320 Ex Parte Communications

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Section	Hearing Examiner's Proposed Decision
762.100	Exceptions
762.420	Oral Argument
762.430	Additional Comments
762.440	

SUBPART F: ELECTRONIC FILING

762.1000 Overview of Electronic Filing

EMERGENCY Acceptable Formats

762.1010 e-Docket Accounts

762.1020 Control Processes

762.1030 Submission of Electronic Documents

762.1040 Electronic Documents Accepted by the Commission

762.1045 Service by Electronic Means

762.1050 Electronic Documents and the Hearing Process

762.1060 EMERGENCY

AUTHORITY: Implementing Section 252 of the Communications Act of 1934 (47 USC 252) and Section 10-101 of the Public Utilities Act and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/10-101] and Section 25-101 of the Electronic Commerce Security Act [5 ILCS 175/25-101].

SOURCE: Adopted at 21 Ill. Reg. 7129, effective June 1, 1997; emergency amendment at 24 Ill. Reg. 78 81, effective May 22, 2000, for a maximum of 150 days.

SUBPART A: GENERAL PROVISIONS

Section 762.30 Definitions
EMERGENCY

Unless otherwise defined, the following terms as used in this Part shall have the following meanings:

"Commissioner" means a member of the Commission.

"Documents" means petitions, amended and supplemental petitions, motions, responses, replies, notices, proposed decisions, exceptions to Hearing Examiners' proposed orders, comments, drafts or suggested

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forms of order, and similar writings.

"Electronic" includes electrical, digital, magnetic, optical, electromagnetic, or any other form of technology that entails capabilities similar to these technologies. [220 ILCS 5/3-122]

"Electronic document" means a pleading or a document transmitted by electronic means to the Commission with an electronic signature attached.

"Electronic record" means a record generated, communicated, received, or stored by electronic means for use in an information system or for transmission from one information system to another. [5 ILCS 175/5-105]

"Electronic signature" means a signature in electronic form issued by the Commission pursuant to Section 762.1020 and consisting of a user I.D. and password attached to or logically associated with an electronic document.

"E-mail address" means a destination, commonly expressed as a string of characters, to which electronic mail may be sent or delivered. [815 ILCS 511/5]

"Hearing Examiner" means a person employed by the Commission under Section 2-106 of the Public Utilities Act, who is assigned to conduct arbitration proceedings pursuant to Section 252 of the Communications Act of 1934 (47 U.S.C. 252). A Commissioner may also serve as a Hearing Examiner for purposes of this Part.

"Intervenor" means a person who, upon written petition, is permitted to intervene in any proceeding under this Part.
 "Party" means those persons who submit to the Commission for approval an arbitrated agreement pursuant to Section 252(e) of the Communications Act of 1934 (47 U.S.C. 252); or, a person allowed by the Commission or Hearing Examiner to intervene in a proceeding. Staff is not a party but shall have the specific rights and duties of parties as enumerated in this Part.

"Person" means any individual, partnership, corporation, governmental body or unincorporated association.

"Staff" or "Commission Staff" means individuals employed by the Commission. For purposes of this Part, a Hearing Examiner is not considered a member of the Commission Staff.

(Source: Amended by emergency rulemaking at 24 Ill. Reg. 78 81,

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effective May 22, 2000, for a maximum of 150 days)

SUBPART B: FORM, FILING AND SERVICE OF DOCUMENTS

Section 762.105 Form of Pleadings and Documents
EMERGENCY

- a) All pleadings and documents filed with the Commission shall be typewritten or printed on paper cut or folded or capable of being printed on paper 8 1/2 inches by 11 inches and shall have inside margins of one inch. All exhibits of a documentary character shall, whenever practical, conform to said requirements of size and margin. The impression shall be on one side of the paper only and shall be double spaced; footnotes and quotations may be single spaced and indented.
- b) All pleadings or other documents shall be composed in either Arial or Times New Roman font and shall be at least 12-point or larger.
- c) Reproductions may be by any process, provided that all copies are clear and permanently legible.

(Source: Added by emergency rulemaking at 24 Ill. Reg. 7881, effective May 22, 2000, for a maximum of 150 days)

SUBPART C: PRE-DECISIONAL PROCEDURE

Section 762.220 Protective Orders
EMERGENCY

- a) At any time during the pendency of a proceeding, the Commission or the Hearing Examiner may, on the motion of any person, enter an order to protect the confidential, proprietary or trade secret nature of any data, information or studies.
- b) A person filing a motion for a protective order shall specify the proposed expiration date for the proprietary status of the data, information or studies. The proposed expiration date shall be no more than five years from the date of submission. If no date is specified, the proposed expiration date for the proprietary status of the data, information or studies shall be two years from the date of submission.
- c) An electronic document submitted and marked as proprietary shall be treated as a request for a protective order under this Section.
- d) A public redacted version of each document submitted pursuant to this section must also be submitted with the proprietary version.

(Source: Amended by emergency rulemaking at 24 Ill. Reg. 7881, effective May 22, 2000, for a maximum of 150 days)

SUBPART F: ELECTRONIC FILING

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Section 762.1000 Overview of Electronic Filing
EMERGENCY

One of the stated purposes of the Electronic Commerce Security Act is to facilitate electronic filing of documents with State and local government agencies, and promote efficient delivery of government services by means of reliable electronic records. [5 ILCS 175/1-105(3)] The Electronic Commerce Security Act authorizes State agencies to send and receive electronic records and electronic signatures. In addition, the Commission has the authority over its process and proceedings pursuant to Section 10-101 of the Public Utilities Act. [220 ILCS 5/10-101]. To that end, the Commission is committed to facilitating the filing, distributing, and accessing of documents electronically, subject to this Part. The Commission has created an electronic filing system known as "e-Docket". e-Docket is a Web based program that allows electronic filing, management, and access to electronic records that make up case files. Any person may file a document in an electronic format. However, nothing in this Part should be construed to require any person to file any document in an electronic format.

(Source: Added by emergency rulemaking at 24 Ill. Reg. 7881, effective May 22, 2000, for a maximum of 150 days)

Section 762.1010 Acceptable Formats
EMERGENCY

- a) All electronic documents submitted to the Commission via e-Docket shall be in one of the following formats:
 - 1) Microsoft Word for Windows, version 6.0 and greater;
 - 2) Corel WordPerfect for Windows, version 6.0 and greater;
 - 3) Microsoft Excel for Windows, version 4.0 and greater;
 - 4) Lotus 1-2-3 for Windows, version 4.0 and greater;
 - 5) ASCII Text;
 - 6) Adobe Acrobat 2.0 and greater.
- b) All e-Docket electronic records will be stored by the Commission in Adobe Acrobat Portable Document Format (PDF). Electronic documents not submitted in the PDF format will be converted to PDF by the Commission.
- c) The Commission encourages persons to submit electronic documents in PDF.

(Source: Added by emergency rulemaking at 24 Ill. Reg. 7881, effective May 22, 2000, for a maximum of 150 days)

Section 762.1020 e-Docket Accounts
EMERGENCY

- a) Each person seeking to file electronic documents must have an active e-Docket account.

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b) The application for an e-Docket account is available on e-Docket on the Commission's Web site or can be obtained by calling or e-mailing the e-Docket help desk.

c) The e-Docket application requires the following information:

- 1) First name and last name;
- 2) Primary mailing address and phone number;
- 3) Preferred user name;
- 4) Password;
- 5) Challenge question and answer; and
- 6) Notarized signature.

d) Applications must be hand-delivered or mailed to the e-Docket help desk.

e) The user is responsible for keeping confidential the user I.D. and password. A user I.D. must be at least four characters in length, and must be unique. Passwords must be at least five characters in length. Periodically, passwords will expire and users will be given advance notice and requested to enter a new password. The challenge question and answer will enable e-Docket to recover a password for a user who has forgotten his or her password.

f) Because of the unique user I.D. and password, an electronic document can be traced to a specific individual as if it were signed. This shall serve as an electronic signature on the filings.

(Source: Added by emergency rulemaking at 24 Ill. Reg. 78 8 1, effective May 22, 2000, for a maximum of 150 days)

Section 762.1030 Control Processes

a) e-Docket allows only users with I.D. and passwords to file electronic documents.

b) Only members of the service list for a particular proceeding are allowed to file electronic documents in that case.

c) Filings are scanned for computer viruses prior to being uploaded into the e-Docket system and will be rejected if the filing is infected. The submitter of such an electronic document will be notified of the rejection.

d) The Web browser must be set to accept cookies in order for users to submit electronic documents. Cookies identify users and instruct the server to send a customized version of the requested Web page to the user. Cookies also submit account information for the user.

e) e-Docket logs every filing with the user I.D., date, time, and file size information.

(Source: Added by emergency rulemaking at 24 Ill. Reg. 78 8 1, effective May 22, 2000, for a maximum of 150 days)

Section 762.1040 Submission of Electronic Documents

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EMERGENCY

a) Persons filing electronic documents shall receive a receipt with an identification number that shall be sent electronically. Documents that are required to be verified or that have an affidavit shall be deemed to be officially filed or received only when the person submitting the electronic document submits to the Commission the original verification page(s) accompanied by a printed copy of the electronic receipt for that document.

b) The filing of an electronic document is effective upon acceptance of the complete document and any required original verification page(s) by the Chief Clerk of the Commission in one of the formats specified in Section 762.1010(a).

(Source: Added by emergency rulemaking at 24 Ill. Reg. 78 8 1, effective May 22, 2000, for a maximum of 150 days)

Section 762.1045 Electronic Documents Accepted by the Commission

EMERGENCY

All documents either initiating a proceeding subject to this Part or filed in a proceeding subject to this Part may be submitted to the Commission as electronic documents.

(Source: Added by emergency rulemaking at 24 Ill. Reg. 78 8 1, effective May 22, 2000, for a maximum of 150 days)

Section 762.1050 Service by Electronic Means

EMERGENCY

a) Service by electronic means is allowed when agreed to by individual parties. Notwithstanding Section 762.130, any party required to serve a pleading or other document may serve copies of pleadings and other documents on other parties of record by electronic means in substitution of first class mail. Because of pagination and format concerns, the parties are encouraged to serve in PDF format. When serving by electronic means, service is deemed complete on the day of electronic transmission if transmitted prior to 5:00 p.m. on that day.

b) If any party files a proprietary electronic document (see Section 762.220), that party must serve the proprietary electronic document on any other party of record that has the right to see such document through any means, such as a confidentiality agreement. The e-Docket system does not allow any person outside of the Commission to see or access proprietary electronic documents.

(Source: Added by emergency rulemaking at 24 Ill. Reg. 78 8 1, effective May 22, 2000, for a maximum of 150 days)

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Section 762.1060 Electronic Documents and the Hearing Process

EMERGENCY

If any electronic document is offered and received at a hearing in an arbitration proceeding, the official copy is the electronic document as filed and found in the e-Docket system. If a prefilled electronic document is submitted without alteration at hearing, any requirement to offer multiple copies at hearing and to have such copies stamped is eliminated. If any prefilled electronic document is altered in any way, the sponsoring party must serve the complete altered electronic document on the Commission and the other parties of record within seven days of that hearing or, if applicable, within seven days of the end of a continuous, day-to-day set of hearings, unless otherwise directed by the Hearing Examiner.

(Source: Added by emergency rulemaking at 24 Ill. Reg. 78 81,
effective May 22, 2000, for a maximum of 150 days)

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1) Heading of the Part: Arbitration Practice

2) Code Citation: 83 Ill. Adm. Code 761

3) Section Numbers:
761.30
761.105
761.240
761.1000
761.1010
761.1020
761.1030
761.1040
761.1045
761.1050
761.1060

Emergency Action:
Amendment
New Section
Amendment
New Section
New Section

Statutory Authority: Implementing Section 252 of the Communications Act of 1934 (47 USC 252) and Section 10-101 of the Public Utilities Act and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/10-101] and Section 25-101 of the Electronic Commerce Security Act [5 ILCS 175/25-101].

4) Effective Date of Amendments: May 22, 2000

5) If these emergency amendments are to expire before the end of the 150-day period, please specify the date on which they are to expire: Not applicable

6) Date Filed with the Index Department: May 19, 2000

7) A statement that a copy of the emergency amendment, including any material incorporated by reference, is on file in the Commission's principal office and is available for public inspection.

8) Reason for Emergency: The rules that govern proceedings before the Illinois Commerce Commission are contained in the Commission's "Rules of Practice" (83 Ill. Adm. Code 200). These rules control every aspect of docketed proceedings before the Commission, from the filing of complaints to appeals of Commission final orders. In addition to the Rules of Practice, however, there are four separate Parts that deal with the specialized practice before the Commission in the field of telecommunications. Three of these, 83 Ill. Adm. Code 761, "Arbitration Practice", 83 Ill. Adm. Code 762, "Approval or Rejection of Arbitrated Agreements", and 83 Ill. Adm. Code 763, "Approval of Negotiated Agreements" implement the Communications Act of 1934, while the fourth, 83 Ill. Adm. Code 766, "Telecommunications Enforcement", implements Sections 13-515 and 13-516 of the Public Utilities Act. Many of the procedures of

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NOTICE OF EMERGENCY AMENDMENTS

Part 200 were modified for inclusion in the four telecommunications parts. The advent of new technology has given the Commission and those who practice before it the ability to send and receive information by electronic means faster and more inexpensively than by the sole use of paper documents. The law was attempting to keep up with technological change. In 1999, the Electronic Commerce Security Act ("ECSA") [5 ILCS 175] became effective. Section 5-101 of the ECSA states that one of the purposes of the legislation is "[t]o facilitate electronic filing of documents with State and local government agencies, and promote efficient delivery of government services by means of reliable electronic records".

Article 25 of the ECSA deals with the use of electronic records by State agencies. Section 25-101(a) authorizes each agency to determine if, and to the extent to which, it will send and receive electronic records and electronic signatures to and from other persons and otherwise create, use, store, and rely upon electronic records and electronic signatures. Section 25-101(b) authorizes State agencies to specify, by rule, formats, acceptable electronic signatures, control processes, and any other reasonably necessary attributes. Subsection (c) requires an agency's rules to include the relevant minimum security requirements established by the Department of Central Management Services, if any.

Section 10-101 of the Public Utilities Act [220 ILCS 5/10-101] gives the Commission the power to adopt rules to govern its proceedings. The ECSA encourages the exercise of the Commission's authority to use documents created in electronic formats. Toward the end of using available technology to allow persons outside of the Commission to file and retrieve electronic documents, the Commission has created "e-Docket", an electronic filing, reporting, and case management system accessible to the general public on the World Wide Web.

e-Docket is a web-based, automated information and records-keeping system. It was developed to process and manage public information about the Commission's docketed proceedings. e-Docket has variety of practical uses. Anyone interested in case proceedings conducted by the Commission may visit the e-Docket web site at <http://eweb.icc.state.il.us/e-docket> and view a wealth of information about active and closed cases initiated on or after January 3, 2000. Users with e-Docket accounts may submit filings of applications, petitions, motions, and so forth, directly to the Commission over the Internet.

In order for the public to use e-Docket for the official filing of documents with the Commission, it is necessary to amend relevant Commission rules, including Part 761, to include the electronic world. The Commission has determined that it is a matter of the utmost urgency that Part 761 be amended immediately by the use of the emergency rulemaking procedures of the Illinois Administrative Procedure Act. Failure to act

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immediately will cost those who practice before the Commission and the Commission itself time and resources that could better be directed elsewhere. The savings to the State of Illinois itself by the reduced flow of paper cannot be discounted. The failure of the Commission to act in an expeditious manner would represent a threat to the welfare of the citizens of Illinois. While the Electronic Commerce Security Act gives the primary responsibility for the development of rules for security in electronic transactions involving State agencies to the Department of Central Management Services, the Commission is of the opinion that the public will be served by the Commission's taking action at this time. The Commission will closely monitor the actions of the Department of Central Management Services in order to ensure that Commission rules are consistent with State law on an ongoing basis, but believes that the action taken here, in advance of Department action proposing new rules, is necessary to allow the Commission and those who avail themselves of the Commission to use electronic technology as soon as possible.

10) A Complete Description of the Subjects and Issues Involved: This rulemaking amends current Commission rules to allow electronic filing and adds Subpart F that establishes a mechanism for persons to apply for and receive e-Docket accounts, provides formats for the sending of electronic documents and control processes, and specifies the uses to which electronic documents may be used in Commission proceedings.

11) Are there any proposed amendments to this Part pending? No
12) Statement of Statewide Policy Objectives: These emergency amendments neither create nor expand any State mandate on units of local government, school districts, or community college districts.
13) Information and questions regarding these emergency amendments shall be directed to:

Conrad S. Rubinkowski
Office of General Counsel
Illinois Commerce Commission
527 East Capitol Avenue
P.O. Box 19280
Springfield, IL 62794-9280
Phone: (217) 785-3922
Fax: (217) 524-9280

The full text of the Emergency Amendments appears on the next page:

ILLINOIS COMMERCE COMMISSION

NOTICE OF EMERGENCY AMENDMENTS

TITLE 83: PUBLIC UTILITIES
 CHAPTER I: ILLINOIS COMMERCE COMMISSION
 SUBCHAPTER F: TELEPHONE UTILITIES

PART 761

ARBITRATION PRACTICE

SUBPART A: GENERAL PROVISIONS

Section	Procedure Governed
761.10	Deviation from this Part
761.20	Definitions
761.30	
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761.40	Federal Preemption of State Court Review
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SUBPART B: FORM, FILING AND SERVICE OF DOCUMENTS

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761.110	Filing of Petition for Arbitration
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Section	Pre-arbitration Conferences
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761.210	Failure to Comply with a Discovery Order or a Subpoena
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TITLE 83: PUBLIC UTILITIES
 CHAPTER I: ILLINOIS COMMERCE COMMISSION
 SUBCHAPTER F: TELEPHONE UTILITIES

PART 761

ARBITRATION PRACTICE

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SUBPART F: ELECTRONIC FILING

Section	Overview of Electronic Filing
761.100	
EMERGENCY	Acceptable Formats
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761.1030	
EMERGENCY	Submission of Electronic Documents
761.1040	
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761.1045	
EMERGENCY	Service by Electronic Means
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EMERGENCY	Electronic Documents and the Hearing Process
761.1060	
EMERGENCY	

AUTHORITY: Implementing Section 252 of the Communications Act of 1934 (47 USC 252) and Section 10-101 of the Public Utilities Act and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/10-101] and Section 25-101 of the Electronic Commerce Security Act [5 ILCS 175/25-101].

SOURCE: Emergency rules adopted at 20 Ill. Reg. 8541, effective June 18, 1996, for a maximum of 150 days; emergency rules suspended at 20 Ill. Reg. 14289, effective November 1, 1996; emergency suspension withdrawn at 21 Ill. Reg. 5660, effective May 2, 1997; adopted at 21 Ill. Reg. 6468, effective May 16, 1997; emergency amendment at 24 Ill. Reg. 78 98, effective May 22, 2000, for a maximum 150 days.

SUBPART A: GENERAL PROVISIONS

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Section 761.30 Definitions
EMERGENCY

Unless otherwise defined, the following terms as used in this Part shall have the following meanings:

"Commissioner" means a member of the Commission.

"Documents" means petitions, responses, amended and supplemental petitions, written discovery, responses to discovery, verified statements, verified exhibits, depositions, motions, responses, replies, notices, proposed arbitration decisions, exceptions to Hearing Examiners' proposed arbitration decisions, briefs, draft proposed arbitration decisions, and similar writings.

"Electronic" includes electrical, digital, magnetic, optical, electromagnetic, or any other form of technology that entails capabilities similar to these technologies. [220 ILCS 5/3-122]

"Electronic document" means a pleading or a document transmitted by electronic means to the Commission with an electronic signature attached.

"Electronic record" means a record generated, communicated, received, or stored by electronic means for use in an information system or for transmission from one information system to another. [5 ILCS 175/5-105]

"Electronic signature" means a signature in electronic form issued by the Commission pursuant to Section 761.1020 and consisting of a user I.D. and password attached to or logically associated with an electronic document.

"E-mail address" means a destination, commonly expressed as a string of characters, to which electronic mail may be sent or delivered. [815 ILCS 5/11/5]

"Hearing Examiner" means a person employed by the Commission under Section 2-106 of the Public Utilities Act, who is assigned to conduct arbitration proceedings pursuant to Section 252 of the Communications Act of 1934 (47 U.S.C. 252). A Commissioner may also serve as a Hearing Examiner for purposes of this Part.

"Party" means any person who initiates a Commission proceeding by filing a petition for arbitration or a person entitled to file a response to a petition for arbitration pursuant to Section 252(b)(3) of the Communications Act of 1934. Staff is not a party but shall have the specific rights and duties of parties as enumerated in this

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Part. No other person shall be granted party status or be allowed to intervene.

"Person" means any individual, partnership, corporation, governmental body or unincorporated association.

"Petitioner" means a party who, by written petition, applies for or seeks relief through arbitration pursuant to Section 252(b) of the Communications Act of 1934.

"Pleading" means any petition, motion, reply or response filed in writing with the Commission in an arbitration proceeding.

"Respondent" means a party against whom a petition is filed.

"Staff" or "Commission Staff" means individuals employed by the Commission. For purposes of this Part, a Hearing Examiner is not considered a member of the Commission Staff.

(Source: Amended by emergency rulemaking at 24 Ill. Reg. 7892, effective May 22, 2000, for a maximum of 150 days)

SUBPART B: FORM, FILING AND SERVICE OF DOCUMENTS
Section 761.105 Form of Pleadings and Documents
EMERGENCY

a) All pleadings and documents filed with the Commission shall be typewritten or printed on paper cut or folded or capable of being printed on paper 8 1/2 inches by 11 inches and shall have inside margins of one inch. All exhibits of a documentary character shall, whenever practical, conform to said requirements of size and margin. The impression shall be on one side of the paper only and shall be double spaced; footnotes and quotations may be single spaced and indented.

b) All pleadings or other documents shall be composed in either Arial or Times New Roman font and shall be at least 12-point or larger.
c) Reproductions may be by any process, provided that all copies are clear and permanently legible.

(Source: Added by emergency rulemaking at 24 Ill. Reg. 7892, effective May 22, 2000, for a maximum of 150 days)

SUBPART C: PRE-ARBITRATION PROCEDURE AND DISCOVERY
Section 761.240 Protective Orders
EMERGENCY

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a] At any time during the pendency of a proceeding, the Commission or the Hearing Examiner may, on the motion of any person, enter an order to protect the confidential, proprietary or trade secret nature of any data, information or studies.

b] A person filing a motion for a protective order shall specify the proposed expiration date for the proprietary status of the data information or studies. The proposed expiration date shall be no more than five years from the date of submission. If no date is specified, the proposed expiration date for the proprietary status of the any data, information or studies shall be two years from the date of submission.

c] An electronic document submitted and marked as proprietary shall be treated as a request for a protective order under this Section.

d] A public redacted version of each document submitted pursuant to this Section must also be submitted with the proprietary version.

(Source: Amended by emergency rulemaking at 24 Ill. Reg. 78 9 2, effective May 22, 2000, for a maximum of 150 days)

SUBPART F: ELECTRONIC FILING

Section 761.1000 Overview of Electronic Filing
EMERGENCY

One of the stated purposes of the Electronic Commerce Security Act is "to facilitate electronic filing of documents with State and local government agencies, and promote efficient delivery of government services by means of reliable electronic records." [5 ILCS 1/105(3)] The Electronic Commerce Security Act authorizes State agencies to send and receive electronic records and electronic signatures. In addition, the Commission has the authority over its process and proceedings pursuant to Section 10-101 of the Public Utilities Act [20 ILCS 5/10-101]. To that end, the Commission is committed to facilitating the filing, distributing, and accessing of documents electronically, subject to this Part. The Commission has created an electronic filing system known as e-Docket. e-Docket is a Web based program that allows electronic filing, management, and access to electronic records that make up case files. Any person may file a document in an electronic format. However, nothing in this Part should be construed to require any person to file any document in an electronic format.

(Source: Added by emergency rulemaking at 24 Ill. Reg. 78 9 2, effective May 22, 2000, for a maximum of 150 days)

Section 761.1010 Acceptable Formats
EMERGENCY

a) All electronic documents submitted to the Commission via e-Docket shall be in one of the following formats:

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1] Microsoft Word for Windows, version 6.0 and greater;

2] Corel WordPerfect for Windows, version 6.0 and greater;

3] Microsoft Excel for Windows, version 4.0 and greater;

4] Lotus 1-2-3 for Windows, version 4.0 and greater;

5] ASCII Text;

6] Adobe Acrobat 2.0 and greater;

b] All e-Docket electronic records will be stored by the Commission in Adobe Acrobat Portable Document Format (PDF). Electronic documents not submitted in the PDF format will be converted to PDF by the Commission.

c] The Commission encourages persons to submit electronic documents in PDF.

(Source: Added by emergency rulemaking at 24 Ill. Reg. 78 9 2, effective May 22, 2000, for a maximum of 150 days)

Section 761.1020 e-Docket Accounts
EMERGENCY

a) Each person seeking to file electronic documents must have an active e-Docket account.

b] The application for an e-Docket account is available on e-Docket on the Commission's Web site or can be obtained by calling or e-mailing the e-Docket help desk.

c] The e-Docket application requires the following information:

1] First name and last name;

2] Primary mailing address and phone number;

3] Preferred user name;

4] Password;

5] Challenge question and answer; and

6] Notarized signature.

d] Applications must be hand-delivered or mailed to the e-Docket help desk.

e] The user is responsible for keeping confidential the user I.D. and password. A user I.D. must be at least four characters in length, and must be unique. Passwords must be at least five characters in length. Periodically passwords will expire and users will be given advance notice and requested to enter a new password. The challenge question and answer will enable e-Docket to recover a password for a user who has forgotten his or her password.

f] Because of the unique user I.D. and password, an electronic document can be traced to a specific individual as if it were signed. This shall serve as an electronic signature on the filings.

(Source: Added by emergency rulemaking at 24 Ill. Reg. 78 9 2, effective May 22, 2000, for a maximum of 150 days)

Section 761.1030 Control Processes

ILLINOIS COMMERCE COMMISSION

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EMERGENCY

- a) e-Docket allows only users with I.D. and passwords to file electronic documents.
- b) Only members of the service list for a particular arbitration proceeding are allowed to file electronic documents in that case.
- c) Filings are scanned for computer viruses prior to being uploaded into the e-Docket system and will be rejected if the filing is infected. The submitter of such an electronic document will be notified of the rejection.
- d) The Web browser must be set to accept cookies in order for users to submit electronic documents. Cookies identify users and instruct the server to send a customized version of the requested Web page to the user. Cookies also submit account information for the user.
- e) e-Docket logs every filing with the user I.D., date, time, and file size information.

(Source: Added by emergency rulemaking at 24 Ill. Reg. 78-92, effective May 22, 2000, for a maximum of 150 days)

Section 761.1040 Submission of Electronic Documents
EMERGENCY

- a) Persons filing electronic documents shall receive a receipt with an identification number that shall be sent electronically. Documents that are required to be verified or that have an affidavit shall be deemed to be officially filed or received only when the person submitting the electronic document submits to the Commission the original verification page(s) accompanied by a printed copy of the electronic receipt for that document.
- b) The filing of an electronic document is effective upon acceptance of the complete document and any required original verification page(s) by the Chief Clerk of the Commission in one of the formats specified in Section 7611010(a).

(Source: Added by emergency rulemaking at 24 Ill. Reg. 78-92, effective May 22, 2000, for a maximum of 150 days)

Section 761.1045 Electronic Documents Accepted by the Commission
EMERGENCY

All documents either initiating an arbitration proceeding subject to this Part or filed in a proceeding subject to this Part may be submitted to the Commission as electronic documents.

(Source: Added by emergency rulemaking at 24 Ill. Reg. 78-92, effective May 22, 2000, for a maximum of 150 days)

ILLINOIS COMMERCE COMMISSION

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Section 761.1050 Service by Electronic Means
EMERGENCY

- a) Service by electronic means is allowed when agreed to by individual parties. Notwithstanding Section 761.150, any party required to serve a pleading or other document may serve copies of pleadings and other documents on other parties of record by electronic means in substitution of first class mail. Because of pagination and format concerns, the parties are encouraged to serve in PDF format. When serving by electronic means, service is deemed complete on the day of electronic transmission if transmitted prior to 5:00 p.m. on that day.
 - b) If any party files a proprietary electronic document (see Section 761.240), that party must serve the proprietary electronic document on any other party of record that has the right to see such document through any means, such as a confidentiality agreement. The e-Docket system does not allow any person outside of the Commission to see or access proprietary electronic documents.

(Source: Added by emergency rulemaking at 24 Ill. Reg. 78-92, effective May 22, 2000, for a maximum of 150 days)

Section 761.1060 Electronic Documents and the Hearing Process
EMERGENCY

If any electronic document is offered and received at a hearing in an arbitration proceeding, the official copy is the electronic document as filed and found in the e-Docket system. If a profiled electronic document is submitted without alteration at hearing, any requirement to offer multiple copies at hearing and to have such copies stamped is eliminated. If any profiled electronic document is altered at hearing in any way, the sponsoring party must serve the complete altered electronic document on the Commission and the other parties of record within seven days of that hearing or, if applicable, within seven days of the end of a continuous, day-to-day set of hearings, unless otherwise directed by the Hearing Examiner.

(Source: Added by emergency rulemaking at 24 Ill. Reg. 78-92, effective May 22, 2000, for a maximum of 150 days)

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NOTICE OF EMERGENCY AMENDMENTS

1)	Heading of the Part: Rules of Practice	
2)	Code Citation:	83 Ill. Adm. Code 200
3)	Section Numbers:	<u>Emergency Action:</u>
	200.40	Amendment
	200.100	Amendment
	200.110	Amendment
	200.430	Amendment
	200.1000	New Section
	200.1010	New Section
	200.1020	New Section
	200.1030	New Section
	200.1040	New Section
	200.1045	New Section
	200.1050	New Section
	200.1060	New Section
4)	Statutory Authority:	Implementing and authorizing by Section 10-101 of the Public Utilities Act [220 ILCS 5/10-101], Section 18C-1102 of the Illinois Commercial Transportation Law [625 ILCS 5/18C-12021], Section 18a-200 of the Illinois Commercial Relocation of Trespassing Vehicles Law [625 ILCS 5/18a-200], Section 10 of the Electric Supplier Act [220 ILCS 30/10] and Section 25-101 of the Electronic Commerce Security Act [5 ILCS 175/25-101].
5)	<u>Effective Date of Amendments:</u>	May 22, 2000
5)	If these emergency amendments are to expire before the end of the 150-day period, please specify the date on which they are to expire: Not applicable	
6)	Date Filed with the Index Department:	May 18, 2000
7)	A copy of the emergency amendments, including any material incorporated by reference, is on file in the Commission's principal office in Springfield and is available for public inspection.	
8)	<u>Reason for Emergency:</u> The rules that govern proceedings before the Illinois Commerce Commission are contained in the Commission's "Rules of Practice". These rules control every aspect of docketed proceedings before the Commission, from the filing of complaints to appeals of Commission final orders. The advent of new technology has given the Commission and those who practice before it the ability to send and receive information by electronic means faster and more inexpensively than by the sole use of paper documents. The law has been attempting to keep up with technological change. In 1999, the Electronic Commerce Security Act ("ECSA") [5 ILCS 175] became effective. Section 5-101 of the ECSA states that one of the	

ILLINOIS COMMERCE COMMISSION

NOTICE OF EMERGENCY AMENDMENTS

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ILLINOIS COMMERCE COMMISSION

NOTICE OF EMERGENCY AMENDMENTS

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Illinois Commerce Commission
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The full text of the Emergency Amendments appears on the next page:

ILLINOIS COMMERCE COMMISSION

NOTICE OF EMERGENCY AMENDMENTS

TITLE 83; PUBLIC UTILITIES
CHAPTER I: ILLINOIS COMMERCE COMMISSION
SUBCHAPTER b: PROVISIONS APPLICABLE TO
MORE THAN ONE KIND OF UTILITY

PART 200
RULES OF PRACTICE

SUBPART A: GENERAL PROVISIONS

Section
Procedure Governed
Construction of This Part
Standards for Discretion
Deviation from This Part
Definitions

EMERGENCY
200.50 Office
200.60 Open Meetings
200.70 Communications to the Commission
200.80 Computation of Time
200.90 Appearances
200.95 Class Actions Prohibited

SUBPART B: FORM, FILING AND SERVICE OF PLEADINGS

Section
200.100 Contents of Pleadings and Documents
EMERGENCY
200.110 Forms of Pleadings and Documents
EMERGENCY
200.120 Copies of Pleadings
200.130 Signature and Verification
Amendments
Service
200.140 Informal Complaints
200.150 Formal Complaints
Answers
Motions
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Petition for Rulemaking
Declaratory Rulings
200.160 Other Prehearing Submissions

SUBPART C: PREHEARING PROCEDURE AND DISCOVERY

Section
Prehearing Conferences
200.300 Other Prehearing Submissions
200.310

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200.320	Facts Disclosed Privileged
200.330	Recordation and Order
200.335	Application of Discovery Rules Contained in Sections 200.340 through 200.430
200.340	Policy on Discovery
200.345	Discovery by Staff Witnesses
200.350	Reasonable Attempts to Resolve Differences Required
200.360	Depositions and Other Discovery Procedures
200.370	Supervision of Discovery Subpoenas
200.380	Motion to Quash Subpoena
200.390	Service and Fees Payable
200.400	Time Limits on Discovery
200.410	Failure to Comply With a Discovery Order or a Subpoena
200.420	Protective Orders
<u>EMERGENCY</u>	

SUBPART D: HEARING PROCEDURE

Section	Authority of Hearing Examiner
200.500	Recessing Hearing For Conference or Discussion
200.505	Disqualification of Hearing Examiner
200.510	Interlocutory Review of Hearing Examiner's Ruling
200.520	Paper Hearings
200.525	Notice, Time and Place of Hearings
200.530	Recording Appearances at Hearings
200.540	Failure to Appear or to Exercise Diligence in Proceeding
200.550	Continuances
200.560	Order of Procedure and Receiving Evidence
200.570	Transcripts
200.580	Conduct at Hearings
200.590	Consolidation and Severance
200.600	Procedure for the Identification and Treatment in Hearings of Confidential or Proprietary Information or a Trade Secret
200.610	Evidence
200.615	Waiver of Cross-examination
200.620	Testimony to be Under Oath or Affirmation
200.625	Examination of Adverse Party or Agent
200.630	Stipulation of Facts
200.640	Administrative Notice
200.650	Records of Other Proceedings
200.660	Prepared Testimony
200.670	Exhibits
200.680	Objections
200.690	Offer of Proof
200.700	Record in Commission Proceedings
200.710	Ex Parte Communications

NOTICE OF EMERGENCY AMENDMENTS

SUBPART E: POST-HEARING PROCEDURE

SUBPART F: ELECTRONIC FILING

Section	200.1000	Overview of Electronic Filing
EMERGENCY	200.1010	Acceptable Formats
EMERGENCY	200.1020	e-Docket Accounts
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EMERGENCY	200.1050	Service by Electronic Means
EMERGENCY	200.1060	Electronic Documents and the Hearing Process
EMERGENCY		AUTHORITY: Implementing and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/10-101], Section 18c-1202 of the Illinois Commercial Transportation Law [625 ILCS 5/18c-1202], Section 18a-200 of the Illinois Commercial Relocation of Trespassing Vehicles Law [625 ILCS 5/18a-200], Section 10 of the Electric Supplier Act [220 ILCS 30/10], and Section 25-101 of the Electronic Commerce Security Act [5 ILCS 175/25-101].
SOURCE:	Filed and effective January 15, 1960; codified at 8 Ill. Reg. 18459; old rules repealed and new part adopted at 9 Ill. Reg. 5627, effective April 15, 1985; emergency amendments at 10 Ill. Reg. 1277, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 1081, effective May 30, 1986; amended at 18 Ill. Reg. 7748, effective May 15, 1994; amended at 20 Ill.	

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proposed expiration date for the proprietary status of the data, information or studies. The proposed expiration date shall be no more than five years from the date of submission. If no date is specified, the proposed expiration date for the proprietary status of the data, information or studies shall be two years from the date of submission.

c) An electronic document submitted and marked as proprietary shall be treated as a request for a protective order under this Section.

d) A public redacted version of each document submitted pursuant to this Section must also be submitted with the proprietary version.

(Source: Amended by emergency rulemaking at 24 Ill. Reg. 7903, effective May 22, 2000, for a maximum of 150 days)

SUBPART F: ELECTRONIC FILING

Section 200.1000 Overview of Electronic Filing
EMERGENCY

One of the stated purposes of the Electronic Commerce Security Act is to facilitate electronic filing of documents with State and Local government agencies, and promote efficient delivery of government services by means of reliable electronic records. [5 ILCS 1/15-1/105(3)] The Electronic Commerce Security Act authorizes State agencies to send and receive electronic records and electronic signatures. In addition, the Commission has the authority over its process and proceedings pursuant to Section 10-101 of the Public Utilities Act [220 ILCS 5/10-101]. To that end, the Commission is committed to facilitating the filing, distributing, and accessing of documents electronically, subject to the Commission's Rules of Practice. The Commission has created an electronic filing system known as "e-Docket". e-Docket is a Web based program that allows electronic filing, management, and access to electronic records that make up case files. Any person may file a document in an electronic format. However, nothing in this Part should be construed to require any person to file any document in an electronic format.

(Source: Added by emergency rulemaking at 24 Ill. Reg. 7903, effective May 22, 2000, for a maximum of 150 days)

Section 200.1010 Acceptable Formats
EMERGENCY

a) All electronic documents submitted to the Commission via e-Docket shall be in one of the following formats:

- 1) Microsoft Word for Windows, version 6.0 and greater;
- 2) Corel WordPerfect for Windows, version 6.0 and greater;
- 3) Microsoft Excel for Windows, version 4.0 and greater;
- 4) Lotus 1-2-3 for Windows, version 4.0 and greater;
- 5) ASCII Text;
- 6) Adobe Acrobat 2.0 and greater.

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b) All e-Docket electronic records will be stored by the Commission in Adobe Acrobat Portable Document Format (PDF). Electronic documents not submitted in the PDF format will be converted to PDF by the Commission.

c) The Commission encourages persons to submit electronic documents in PDF.

(Source: Added by emergency rulemaking at 24 Ill. Reg. 7903, effective May 22, 2000, for a maximum of 150 days)

Section 200.1020 e-Docket Accounts
EMERGENCY

a) Each person seeking to file electronic documents must have an active e-Docket account.

b) The application for an e-Docket account is available on e-Docket on the Commission's Web site or can be obtained by calling or e-mailing the e-Docket help desk.

c) The e-Docket application requires the following information:

- 1) First name and last name;
- 2) Primary mailing address and phone number;
- 3) Preferred user name;
- 4) Password;
- 5) Challenge question and answer; and
- 6) Notarized signature.

d) Applications must be hand-delivered or mailed to the e-Docket help desk.

e) The user is responsible for keeping confidential the user I.D. and password. A user I.D. must be at least four characters in length, and must be unique. Passwords must be at least five characters in length. Periodically passwords will expire and users will be given advance notice and requested to enter a new password. The challenge question and answer will enable e-Docket to recover a password for a user who has forgotten his or her password.

f) Because of the unique user I.D. and password, an electronic document can be traced to a specific individual as if it were signed. This shall serve as an electronic signature on the filings.

(Source: Added by emergency rulemaking at 24 Ill. Reg. 7903, effective May 22, 2000, for a maximum of 150 days)

Section 200.1030 Control Processes
EMERGENCY

a) e-Docket allows only users with I.D. and passwords to file electronic documents.

b) Only members of the service list for a particular docketed case are allowed to file electronic documents in that case. This does not

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NOTICE OF EMERGENCY AMENDMENTS

prohibit the electronic filing of petitions to intervene in a case in which the person filing the petition is not yet a member of the service list.

- c) Filings are scanned for computer viruses prior to being uploaded into the e-Docket system and will be rejected if the filing is infected. The submitter of such an electronic document will be notified of the rejection.
- d) The Web browser must be set to accept cookies in order for users to submit electronic documents. Cookies identify users and instruct the server to send a customized version of the requested Web page to the user. Cookies also submit account information for the user.
- e) e-Docket logs every filing with the user I.D., date, time, and file size information.

(Source: Added by emergency rulemaking at 24 Ill. Reg. 7903, effective May 22, 2000, for a maximum of 150 days)

Section 200.1040 Submission of Electronic Documents
EMERGENCY

- a) Persons filing electronic documents shall receive a receipt with an identification number that shall be sent electronically. Documents that are required to be verified or that have an affidavit shall be deemed to be officially filed or received only when the person submitting the electronic document submits to the Commission the original verification page(s) accompanied by a printed copy of the electronic receipt for that document.
- b) The filing of an electronic document is effective upon acceptance of the complete document and any required original verification page(s) by the Chief Clerk of the Commission in one of the formats specified in Section 200.1010(a).
- c) For dockets initiated after January 1, 2000, the requirement for the filing of multiple copies of documents is satisfied by the filing of a complete electronic version of a document.

(Source: Added by emergency rulemaking at 24 Ill. Reg. 7903 -, effective May 22, 2000, for a maximum of 150 days)

Section 200.1045 Electronic Documents Accepted by the Commission
EMERGENCY

All documents either initiating a docketed proceeding or filed in a docketed proceeding may be submitted to the Commission as electronic documents.

(Source: Added by emergency rulemaking at 24 Ill. Reg. 7903 -, effective May 22, 2000, for a maximum of 150 days)

Section 200.1050 Service by Electronic Means

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EMERGENCY

- a) Service by electronic means is allowed when agreed to by individual parties. Notwithstanding Section 200.150, any party required to serve a pleading or other document may serve copies of pleadings and other documents on other parties by electronic means in substitution of first class mail. Because of pagination and format concerns, the parties are encouraged to serve in PDF format. When serving by electronic means, service is deemed complete on the day of electronic transmission if transmitted prior to 5:00 p.m. on that day.
- b) If any party files a proprietary electronic document (see Section 200.430), that party must serve the proprietary electronic document on any other party of record that has the right to see such document through any means, such as a confidentiality agreement. The e-Docket system does not allow any person outside of the Commission to see or access proprietary electronic documents.

(Source: Added by emergency rulemaking at 24 Ill. Reg. 7903 , effective May 22, 2000, for a maximum of 150 days)

Section 200.1060 Electronic Documents and the Hearing Process
EMERGENCY

- If any electronic document is offered and received at a hearing in a docketed proceeding, the official copy is the electronic document as filed and found in the e-Docket system. If a prefiled electronic document is submitted without alteration at hearing, the requirements of Section 200.6(f) to offer multiple copies at hearing and to have such copies stamped are eliminated. If any prefiled electronic document is altered at hearing in any way, the sponsoring party must serve the complete altered electronic document on the Commission and the other parties of record within seven days of that hearing or, if applicable, within seven days of the end of a continuous, day-to-day set of hearings, unless otherwise directed by the Hearing Examiner.

(Source: Added by emergency rulemaking at 24 Ill. Reg. 7903 -, effective May 22, 2000, for a maximum of 150 days)

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1) Heading of the Part: Telecommunications Enforcement
 2) Code Citation: 83 Ill. Adm. Code 766

Emergency Action:

3) Section Numbers:
 766.11 New Section
 766.12 New Section
 766.30 New Section
 766.1000 New Section
 766.1010 New Section
 766.1020 New Section
 766.1030 New Section
 766.1040 New Section
 766.1045 New Section
 766.1050 New Section
 766.1060 New Section

4) Statutory Authority: Implementing Sections 13-515 and 13-516 and authorized by Section 13-512 of the Public Utilities Act [220 ILCS 5/13-515, 13-516, and 13-512] and Section 25-101 of the Electronic Commerce Security Act [5 ILCS 175/25-101].

5) Effective Date of Amendments: May 22, 2000

6) If these emergency amendments are to expire before the end of the 150-day period, please specify the date on which they are to expire: Not applicable

7) Date Filed with the Index Department: May 19, 2000

8) A copy of the emergency amendments, including any material incorporated by reference, is on file in the Commission's principal office in Springfield and is available for public inspection.

9) Reason for Emergency: The rules that govern proceedings before the Illinois Commerce Commission are contained in the Commission's "Rules of Practice" (83 Ill. Adm. Code 200). These rules control every aspect of docketed proceedings before the Commission, from the filing of complaints to appeals of Commission final orders. In addition to the Rules of practice, however, there are four separate Parts that deal with the specialized practice before the Commission in the field of telecommunications. Three of these, 83 Ill. Adm. Code 761, "Arbitration Practice", 83 Ill. Adm. Code 762, "Approval or Rejection of Arbitrated Agreements", and 83 Ill. Adm. Code 763, "Approval of Negotiated Agreements" implement the Communications Act of 1934, while the fourth, 83 Ill. Adm. Code 766, "Telecommunications Enforcement", implements Sections 13-515 and 13-516 of the Public Utilities Act. Many of the procedures of Part 200 were modified for inclusion in the four telecommunications parts.

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NOTICE OF EMERGENCY AMENDMENTS

The advent of new technology has given the Commission and those who practice before it the ability to send and receive information by electronic means faster and more inexpensively than by the sole use of paper documents. The law has been attempting to keep up with technological change. In 1999, the Electronic Commerce Security Act ("ECSA") [5 ILCS 175] became effective. Section 5-101 of the ECSA states that one of the purposes of the legislation is "[t]o facilitate electronic filing of documents with State and local government agencies, and promote efficient delivery of government services by means of reliable electronic records".

Article 25 of the ECSA deals with the use of electronic records by State agencies. Section 25-101(a) authorizes each agency to determine if, and the extent to which, it will send and receive electronic records and electronic signatures to and from other persons and otherwise create, use, store, and rely upon electronic records and electronic signatures. Section 25-101(b) authorizes State agencies to specify, by rule, formats, acceptable electronic signatures, control processes, and any other reasonably necessary attributes. Subsection (c) requires an agency's rules to include the relevant minimum security requirements established by the Department of Central Management Services, if any.

Section 10-101 of the Public Utilities Act [220 ILCS 5/10-101] gives the Commission the power to adopt rules to govern its proceedings. The ECSA encourages the exercise of the Commission's authority to use documents created in electronic formats. Toward the end of using available technology to allow persons outside of the Commission to file and retrieve electronic documents, the Commission has created "e-Docket", an electronic filing, reporting, and case management system accessible to the general public on the World Wide Web.

e-Docket is a web-based, automated information and records-keeping system. It was developed to process and manage public information about the Commission's docketed proceedings. e-Docket has a variety of practical uses. Anyone interested in case proceedings conducted by the Commission may visit the e-Docket web site at <http://eweb.icc.state.il.us/e-docket> and view a wealth of information about active and closed cases initiated on or after January 3, 2000. Users with e-Docket accounts may submit filings of applications, petitions, motions, and so forth, directly to the Commission over the Internet.

In order for the public to use e-Docket for the official filing of documents with the Commission, it is necessary to amend relevant Commission rules, including Part 766, to include the electronic world. The Commission has determined that it is a matter of the utmost urgency that Part 766 be amended immediately by the use of the emergency rulemaking procedures of the Illinois Administrative Procedure Act. Failure to act immediately will cost those who practice before the Commission and the Commission itself time and resources that could better be directed

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elsewhere. The savings to the State of Illinois itself by the reduced flow of paper cannot be discounted. The failure of the Commission to act in an expeditious manner would represent a threat to the welfare of the citizens of Illinois. While the Electronic Commerce Security Act gives the primary responsibility for the development of rules for security in electronic transactions involving State agencies to the Department of Central Management Services, the Commission is of the opinion that the public will be served by the Commission's taking action at this time. The Commission will closely monitor the actions of the Department of Central Management Services in order to ensure that Commission rules are consistent with State law on an ongoing basis, but believes that the action taken here, in advance of Department action proposing new rules, is necessary to allow the Commission and those who avail themselves of the Commission as a forum to use electronic technology as soon as possible.

1.0) A Complete Description of the Subjects and Issues Involved: This rulemaking amends current Commission rules to allow electronic filing and adds Subpart E that establishes a mechanism for persons to apply for and receive e-Docket accounts, provides formats for the sending of electronic documents and control processes, and specifies the uses to which electronic documents may be used in Commission proceedings.

1.1) Are there any proposed amendments to this Part pending: No

1.2) Statement of Statewide Policy Objectives: These emergency amendments neither create nor expand any State mandate on units of local government, school districts, or community college districts.

1.3) Information and questions regarding these emergency amendments shall be directed to:

Conrad S. Rubinkowski
Office of General Counsel
Illinois Commerce Commission
527 East Capitol Avenue
P.O. Box 19280
Springfield, IL 62794-9280
Phone: (217) 785-3922
Fax: (217) 524-9280

The full text of the Emergency Amendments appears on the next page:

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NOTICE OF EMERGENCY AMENDMENTS

TITLE 83: PUBLIC UTILITIES
CHAPTER I: ILLINOIS COMMERCE COMMISSION
SUBCHAPTER F: TELEPHONE UTILITIES

PART 766
TELECOMMUNICATIONS ENFORCEMENT

SUBPART A: APPLICABILITY AND PRELIMINARY PROCEDURES

Section	766.10	Applicability
	766.11	<u>Definitions</u>
<u>EMERGENCY</u>		
	766.12	<u>Form of Pleadings and Documents</u>
<u>EMERGENCY</u>		
	766.15	<u>Waiver of Time Limits</u>
	766.20	Intervention
	766.25	Interlocutory Review Not Allowed
	766.30	<u>Protective Orders</u>
<u>EMERGENCY</u>		

SUBPART B: EMERGENCY RELIEF PROCEDURES

Section	766.10	Waiver of Emergency Time Limits
	766.110	Emergency Relief Filing Requirements

SUBPART C: PROCEDURE PRIOR TO ISSUANCE OF ORDER

Section	766.300	<u>Filing of Briefs</u>
	766.310	<u>Filing of Draft Orders</u>

SUBPART D: ASSESSMENT OF COSTS AND IMPOSITION OF PENALTIES

Section	766.400	Assessment of Costs
	766.410	Procedure for Imposition of Penalties
	766.415	Factors in Assessing Penalties

SUBPART E: ELECTRONIC FILING

Section	766.1000	<u>Overview of Electronic Filing</u>
<u>EMERGENCY</u>		
	766.1010	<u>Acceptable Formats</u>
<u>EMERGENCY</u>		

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NOTICE OF EMERGENCY AMENDMENTS

766.10.20 e-Docket Accounts

EMERGENCY
766.10.30 Control Processes

EMERGENCY
766.10.40 Submission of Electronic Documents

EMERGENCY
766.10.45 Electronic Documents Accepted by the Commission

EMERGENCY
766.10.50 Service by Electronic Means

EMERGENCY
766.10.60 Electronic Documents and the Hearing Process

EMERGENCY
766.10.65 Electronic Documents and the Hearing Process

AUTHORITY: Implementing Sections 13-515 and 13-516 and authorized by Section 13-512 of the Public Utilities Act [220 ILCS 5/13-515, 13-516, and 13-512] and Section 25-101 of the Electronic Commerce Security Act [5 ILCS 175/25-101].

SOURCE: Emergency rules adopted at 21 Ill. Reg. 13180, effective September 11, 1997, for a maximum of 150 days; adopted at 22 Ill. Reg. 3460, effective February 1, 1998; emergency amendment adopted at 24 Ill. Reg. 7917, effective May 22, 2000, for a maximum of 150 days.

SUBPART A: APPLICABILITY AND PRELIMINARY PROCEDURES

Section 766.11 Definitions

EMERGENCY

The following terms as used in this Part shall have the following meanings:

"Electronic" includes electrical, digital, magnetic, optical, electromagnetic, or any other form of technology that entails capabilities similar to these technologies. [220 ILCS 5/3-122]

"Electronic document" means a pleading or a document transmitted by electronic means to the Commission with an electronic signature attached.

"Electronic record" means a record generated, communicated, received, or stored by electronic means for use in an information system or for transmission from one information system to another. [5 ILCS 175/5-105]

"Electronic signature" means a signature in electronic form issued by the Commission pursuant to Section 766.10.20 and consisting of a user I.D. and password attached to or logically associated with an electronic document.

"E-mail address" means a destination, commonly expressed as a string

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of characters, to which electronic mail may be sent or delivered. [815 ILCS 5/11/5]

(Source: Added by emergency rulemaking at 24 Ill. Reg. 7917, effective May 22, 2000, for a maximum of 150 days)

Section 766.12 Form of Pleadings and Documents

EMERGENCY

- a) All pleadings and documents filed with the Commission shall be typewritten or printed on paper cut or folded or capable of being printed on paper 8 1/2 inches by 11 inches and shall have inside margins of one inch. All exhibits of a documentary character shall, whenever practical, conform to said requirements of size and margin. The impression shall be on one side of the paper only and shall be double spaced; footnotes and quotations may be single spaced and indented.
- b) All pleadings or other documents shall be composed in either Arial or Times New Roman font and shall be at least 12-point or larger.
- c) Reproductions may be by any process, provided that all copies are clear and permanently legible.

(Source: Added by emergency rulemaking at 24 Ill. Reg. 7917, effective May 22, 2000, for a maximum of 150 days)

Section 766.30 Protective Orders

EMERGENCY

- a) At any time during the pendency of a proceeding, the Commission or the Hearing Examiner may, on the motion of any person, enter an order to protect the confidential, proprietary or trade secret nature of any data, information or studies.
- b) A person filing a motion for a protective order shall specify the proposed expiration date for the proprietary status of the data, information or studies. The proposed expiration date shall be no more than five years from the date of submission. If no date is specified, the proposed expiration date for the proprietary status of the data, information or studies shall be two years from the date of submission.
- c) An electronic document submitted and marked as proprietary shall be treated as a request for a protective order under this Section.
- d) A public redacted version of each document submitted pursuant to this Section must also be submitted with the proprietary version.

(Source: Added by emergency rulemaking at 24 Ill. Reg. 7917, effective May 22, 2000, for a maximum of 150 days)

SUBPART E: ELECTRONIC FILING

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Section 766.1000 Overview of Electronic Filing
EMERGENCY

One of the stated purposes of the Electronic Commerce Security Act is to facilitate electronic filing of documents with State and local government agencies, and promote efficient delivery of government services by means of reliable electronic records. [5 ILCS 1/1-105(3)] The Electronic Commerce Security Act authorizes State agencies to send and receive electronic records and electronic signatures. In addition, the Commission has the authority over its process and proceedings pursuant to Section 10-101 of the Public Utilities Act [220 ILCS 5/10-101]. To that end, the Commission is committed to facilitating the filing, distributing, and accessing of documents electronically, subject to this Part. The Commission has created an electronic filing system known as "e-Docket". e-Docket is a Web based program that allows electronic filing, management, and access to electronic records that make up case files. Any person may file a document in an electronic format. However, nothing in this Part should be construed to require any person to file any document in an electronic format.

(Source: Added by emergency rulemaking at 24 Ill. Reg. 7917, effective May 22, 2000, for a maximum of 150 days)

Section 766.1010 Acceptable Formats
EMERGENCY

- a) All electronic documents submitted to the Commission via e-Docket shall be in one of the following formats:
 - 1) Microsoft Word for Windows, version 6.0 and greater;
 - 2) Corel WordPerfect for Windows, version 6.0 and greater;
 - 3) Microsoft Excel for Windows, version 4.0 and greater;
 - 4) Lotus 1-2-3 for Windows, version 4.0 and greater;
 - 5) ASCII Text;
 - 6) Adobe Acrobat 2.0 and greater.
- b) All e-Docket electronic records will be stored by the Commission in Adobe Acrobat Portable Document Format (PDF). Electronic documents not submitted in the PDF format will be converted to PDF by the Commission.
- c) The Commission encourages persons to submit electronic documents in PDF.

(Source: Added by emergency rulemaking at 24 Ill. Reg. 7917, effective May 22, 2000, for a maximum of 150 days)

Section 766.1020 e-Docket Accounts
EMERGENCY

- a) Each person seeking to file electronic documents must have an active e-Docket account.

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- b) The application for an e-Docket account is available on e-Docket on the Commission's Web site or can be obtained by calling or e-mailing the e-Docket help desk.
 - c) The e-Docket application requires the following information:
 - 1) First name and last name;
 - 2) Primary mailing address and phone number;
 - 3) Preferred user name;
 - 4) Password;
 - 5) Challenge question and answer; and
 - 6) Notarized signature.
 - d) Applications must be hand-delivered or mailed to the e-Docket help desk.
 - e) The user is responsible for keeping confidential their user I.D. and password. A user I.D. must be at least four characters in length, and must be unique. Passwords must be at least five characters in length. Periodically passwords will expire and users will be given advance notice and requested to enter a new password. The challenge question and answer will enable e-Docket to recover a password for a user who has forgotten his or her password.
 - f) Because of the unique user I.D. and password, an electronic document can be traced to a specific individual as if it were signed. This shall serve as an electronic signature on the filings.

(Source: Added by emergency rulemaking at 24 Ill. Reg. 7917, effective May 22, 2000, for a maximum of 150 days)

Section 766.1030 Control Processes
EMERGENCY

- a) e-Docket allows only users with I.D. and passwords to file electronic documents.
 - b) Only members of the service list for a particular proceeding are allowed to file electronic documents in that case. This does not prohibit the electronic filing of petitions to intervene in a case in which the person filing the petition is not yet a member of the service list.
 - c) Filings are scanned for computer viruses prior to being uploaded into the e-Docket system and will be rejected if the filing is infected. The submitter of such an electronic document will be notified of the rejection.
 - d) The Web browser must be set to accept cookies in order for users to submit electronic documents. Cookies identify users and instruct the server to send a customized version of the requested Web page to the user. Cookies also submit account information for the user.
 - e) e-Docket logs every filing with the user I.D., date, time, and file size information.

(Source: Added by emergency rulemaking at 24 Ill. Reg. 7917,

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effective May 22, 2000, for a maximum of 150 days)

Section 766.1040 Submission of Electronic Documents

EMERGENCY

- a) Persons filing electronic documents shall receive a receipt with an identification number that shall be sent electronically. Documents that are required to be verified or that have an affidavit shall be deemed to be officially filed or received only when the person submitting the electronic document submits to the Commission the original verification page(s) accompanied by a printed copy of the electronic receipt for that document.
- b) The filing of an electronic document is effective upon acceptance of the complete document and any required original verification pages by the Chief Clerk of the Commission in one of the formats specified in Section 766.1010(a).

(Source: Added by emergency rulemaking at 24 Ill. Reg. 7917-, effective May 22, 2000, for a maximum of 150 days)

Section 766.1045 Electronic Documents Accepted by the Commission

All documents either initiating a proceeding subject to this Part or filed in a proceeding subject to this Part may be submitted to the Commission as electronic documents.

(Source: Added by emergency rulemaking at 24 Ill. Reg. 7917-, effective May 22, 2000, for a maximum of 150 days)

Section 766.1050 Service by Electronic Means

EMERGENCY

- a) Service by electronic means is allowed when agreed to by individual parties. Notwithstanding any other requirements of this Part, any party required to serve a pleading or other document may serve copies of pleadings and other documents on other parties of record by electronic means in substitution of first class mail or in hand service. Because of pagination and format concerns, the parties are encouraged to serve in PDF format. When serving by electronic means, service is deemed complete on the day of electronic transmission if transmitted prior to 5:00 P.M. on the day of service.
- b) If any party files a proprietary electronic document (see Section 766.30), that party must serve the proprietary electronic document on any other party of record that has the right to see such document through any means, such as a confidentiality agreement. The e-Docket system does not allow any person outside of the Commission to see or access proprietary electronic documents.

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(Source: Added by emergency rulemaking at 24 Ill. Reg. 7917-, effective May 22, 2000, for a maximum of 150 days)

Section 766.1060 Electronic Documents and the Hearing Process

EMERGENCY

If any electronic document is offered and received at a hearing in an arbitration proceeding, the official copy is the electronic document as filed and found in the e-Docket system. If a prefilled electronic document is submitted without alteration at hearing, any requirement to offer multiple copies at hearing and to have such copies stamped is eliminated. If any prefilled electronic document is altered at hearing in any way, the sponsoring party must serve the complete altered electronic document on the Commission and the other parties of record within seven days of that hearing or, if applicable, within seven days of the end of a continuous, day-to-day set of hearings, unless otherwise directed by the Hearing Examiner.

(Source: Added by emergency rulemaking at 24 Ill. Reg. 7917-, effective May 22, 2000, for a maximum of 150 days)

DEPARTMENT OF INSURANCE

NOTICE OF CORRECTION TO NOTICE ONLY

- 1) Heading of the Part: Mortgage Guaranty Insurance
- 2) Code Citation: 50 Ill. Adm. Code 202
- 3) The Notice of Proposed Amendments being corrected appeared at 24 Ill. Reg. 7457, on May 17, 2000.
- 4) The information being corrected is as follows:

Item 5) A Complete Description of the Subjects and Issues Involved: The amendments allow for a new industry practice of insuring up to 100% of the value of the real estate. Currently Illinois' insurance regulations prohibit potential real estate purchasers from purchasing if they have less than 5% down payment because they prohibit insurance companies from offering mortgage insurance for 100% of the real estate. The mortgage insurance industry wants to provide insurance for 100% of the value of the real estate and New York and California have already changed their laws to permit such insurance. The subject involved is the definition of "Authorized real estate security" which currently prohibits real estate purchasers from purchasing if they have less than 5% down payment. This change would allow the purchase of mortgage insurance for 100% of the value of the real estate.

Item 12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: The above named entities may purchase real estate with no down payment or less of a down payment. Therefore, any small business, municipality, or not for profit corporation looking to purchase real estate may be affected.
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None

JOINT COMMITTEE ON ADMINISTRATIVE RULES

ILLINOIS GENERAL ASSEMBLY

STATEMENT OF OBJECTION TO
EMERGENCY RULEMAKING

DEPARTMENT OF HUMAN SERVICES

Heading of the Part: Related Program Provisions

Code Citation: 89 Ill. Adm. Code 117Section Numbers: 117.50Date Originally Published in the Illinois Register: 4/28/00

Section Numbers: 117.50
Date Originally Published in the Illinois Register: 4/28/00
Code Citation: 89 Ill. Adm. Code 117

At its meeting on May 16, 2000, the Joint Committee on Administrative Rules objected to the emergency rules of the Department of Human Services entitled Related Program Provisions (89 Ill. Adm. Code 117; 24 Ill. Reg. 6723) that attempts to apply this rulemaking retroactively; objects to the use of emergency rulemaking in this instance because the agency has not indicated the existence of any threat to the public interest, safety or welfare that required the 4/14/00 adoption of this emergency rule, as required by Section 5-45 of the IAPA; and objects to the agency's apparent adherence to policy not in rule since 11/17/99, in violation of the IAPA and of Section 12-4.11 of the Public Aid Code.

Failure of the agency to respond within 90 days after receipt of the Statement of Objection shall be deemed a refusal. The agency's response will be placed on the JCAR agenda for further consideration.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF OBJECTION
TO PROPOSED RULEMAKING

DEPARTMENT OF PROFESSIONAL REGULATION

Heading of the Part: Pharmacy Practice Act of 1987

Code Citation: 68 Ill Adm Code 1330

Section Numbers: 1330.85

Date Originally Published in the Illinois Register: 10/8/99
23 Ill Reg 12344

At its meeting on May 16, 2000, the Joint Committee on Administrative Rules objected to Section 1330.85 of the above cited rulemaking because the Department is pursuing a policy of gathering dispensing error records that is not specifically authorized by statute. Public commenters have expressed concern that patient record confidentiality cannot be assured and that the rulemaking is too vague regarding the ultimate dissemination and use of these records by DPR personnel. Although no statute authorizes DPR to protect the confidentiality of dispensing error records, DPR, by rule, is stating that these records will not be subject to discovery or subpoena in any civil or criminal proceeding.

Failure of the agency to respond within 90 days after receipt of the Statement of Objection shall constitute withdrawal of this proposed rulemaking. The agency's response will be placed on the JCAR agenda for further consideration.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of May 16, 2000 through May 22, 2000 and have been scheduled for review by the Committee at its June 13, 2000 meeting in Chicago. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rulemaking should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

<u>Second Notice Expires</u>	<u>Agency and Rule</u>	<u>Start Of First Notice</u>	<u>JCAR Meeting</u>
6/28/00	Department of Human Services, Public Information, Rulemaking, Department Organization (2 Ill Adm Code 1175)	2/18/00 6/13/00 t+1	24 Ill Reg 2573
6/28/00	Department of Human Services, Access to Public Records (2 Ill Adm Code 1176)	2/18/00 6/13/00	24 Ill Reg 2551
6/29/00	Department of Revenue, Retailers' Occupation Tax (86 Ill Adm Code 130)	2/18/00 6/13/00 2616	24 Ill Reg
6/30/00	Department of Natural Resources, Raccoon, Opossum, Striped Skunk, Red Fox, Gray Fox, Coyote and Woodchuck (Groundhog) Hunting (17 Ill Adm Code 550)	3/31/00 6/13/00	24 Ill Reg 5151
6/30/00	Department of Natural Resources, White-Tailed Deer Hunting by Use of Firearms (17 Ill Adm Code 650)	3/31/00 6/13/00	24 Ill Reg 5169
6/30/00	Department of Natural Resources, Squirrel Hunting (17 Ill Adm Code 740)	3/31/00 6/13/00	24 Ill Reg 5160
6/31/00	Department of Natural Resources, Crow, Woodcock, Snipe, Rail and Teal Hunting (17 Ill Adm Code 690)	3/31/00 6/13/00	24 Ill Reg 5132
7/1/00	Department of Public Aid, Medical Payment (89 Ill Adm Code 140)	3/17/00 6/13/00	24 Ill Reg 4071

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

7/1/00	<u>Department of Public Aid, Repeal of Demonstration Programs (89 Ill Adm. Code 170)</u>	3/17/00 24 Ill Reg 4037	6/13/00
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PROCLAMATIONS

2000-270

AMERICAN GI FORUM DAY

WHEREAS, thousands of Latino Americans served our country in World War II, returning home only to face denial of their rights as veterans and the basic American freedoms for which they had fought so hard; and

WHEREAS, the American GI Forum is the nation's largest Hispanic veterans organization, serving both veterans and their communities for more than 40 years; and

WHEREAS, the American GI Forum is devoted to furthering the interests of Americans of Mexican descent and has participated in projects and programs in Mexican-American communities throughout Illinois; and

WHEREAS, the American GI Forum are a source of pride to all citizens of Mexican-American descent as the organization works to enhance the quality of life and create new opportunities for growth and development; and

WHEREAS, the American GI Forum is celebrating its 45th Annual State Convention on June 3;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim June 3, 2000 as AMERICAN GI FORUM DAY in Illinois.

Issued by the Governor May 5, 2000.

Filed by the Secretary of State May 16, 2000.

2000-271

FOSTER PARENT APPRECIATION MONTH

WHEREAS, to foster means to nourish, cherish and encourage, which is what foster parents do for emotionally needy children whose natural parents can no longer provide them with care; and

WHEREAS, foster parents meet a very special need in our society by ensuring these children receive attention, respect, love, understanding, compassion, health and educational services; and

WHEREAS, thousands of caring adults in Illinois have opened their hearts as well as their homes to provide a loving and stable environment for nearly 30,000 children; and

WHEREAS, the contributions of Illinois foster parents to the welfare of these children are incalculable and irreplaceable; and

WHEREAS, in 1999 Illinois out-distanced all other states in adoptions primarily due to the commitment shown by the State's licensed foster parents, who were responsible for more than 97 percent of last year's record 7,315 adoptions of DCFS wards; and

WHEREAS, there remains a great demand for additional caring adults in Illinois to consider opening their homes to children in need of foster care; and

WHEREAS, Illinois foster parents deserve our gratitude and respect for the work they do every day to ensure our children receive the support they need at a traumatic time in their lives;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 2000 as FOSTER PARENT APPRECIATION MONTH in Illinois.

Issued by the Governor May 5, 2000.

Filed by the Secretary of State May 16, 2000.

2000-272**ASIAN AMERICAN HERITAGE MONTH**

WHEREAS, the Asian American community constitutes the fastest growing minority group in the country and is an important element of our unique American mosaic; and WHEREAS, the achievements of Asian American have contributed to our nation's progress and prosperity in a wide range of fields including art, architecture, literature, government, law, industry, commerce, medicine, sciences, and technologies, thus having contributed to the quality of life for Asian Americans and non-Asians alike; and WHEREAS, Asian Americans, and all those who journeyed to the United States in pursuit of freedom and liberty, are an important part of our nation's foundation; and WHEREAS, the Asian American community is visible and active as its members make significant strides toward full participation and equal opportunity in all walks of life;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 2000 as ASIAN AMERICAN HERITAGE MONTH in Illinois and urge all citizens to join this celebration recognizing the infinite contributions of Asian Americans to our great State.

Issued by the Governor May 8, 2000.

Filed by the Secretary of State May 16, 2000.

2000-273**DRINK MILK DAY**

WHEREAS, four trucks flanked with the milk mustache sports celebrities are visiting more than 100 cities, from March through October, on a crusade to educate Americans about the importance of daily physical activity and the vital role nutrient-packed milk plays for health-conscious Americans eager to get in shape, lose weight or stay fit; and WHEREAS, besides strengthening bones, fighting osteoporosis and helping lower blood pressure, new research shows that low-fat, calcium-rich milk may help increase the body's fat-burning ability, which would help people drop weight more easily; and

WHEREAS, milk contains nine essential nutrients, which are particularly important for physically active people. Milk is a good source of protein and provides more vitamins and minerals than leading sports drinks; and WHEREAS, the Get Moo-ving with Milk tour is sponsored by the nation's dairy farmers and milk processors. The tour offers free fitness and nutrition assessments with a registered dietitian, sport activities like the Patrick Ewing 3-throw basketball challenge, the Mia Hamm 3-kick soccer challenge and the Mark McGwire 3-pitch baseball challenge, and a chance to become the next milk mustache celebrity in ESPN The Magazine; THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim June 24, 2000, as DRINK MILK DAY in Illinois.

Issued by the Governor May 9, 2000.

2000-274**EQUAL PAY DAY**

WHEREAS, the Equal Pay Act and Title VII of the Civil Rights Act was passed more than 35 years ago; and WHEREAS, a vast majority of households depend on the wages of a working mother and working families are often just one paycheck away from hardship; and WHEREAS, fair pay strengthens the security of families today and eases future retirement costs, while enhancing the American economy; and WHEREAS, the National Committee of Pay Equality, founded in 1979, while working to eliminate sex-based and race-based wage discrimination and achieve pay equality, will observe Equal Pay Day on May 11, 2000; THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 11, 2000, as EQUAL PAY DAY in Illinois.

Issued by the Governor May 9, 2000.

Filed by the Secretary of State May 16, 2000.

2000-275**SENIOR HAIRCARE MONTH**

WHEREAS, National Cosmetology Month will be observed across the country during April 2000; and WHEREAS, the activities of Jesus Christ Outreach Ministries will focus on senior haircare and related beauty services available to nursing homes and other elderly care facilities; and WHEREAS, a senior haircut and fashion showcase will be held on April 29, 2000, at the Danville Care Center (North & 26 South) to celebrate the beauty of senior hair, skin and nails; and WHEREAS, family, friends and staff members of Danville Care are cordially invited to participate; and WHEREAS, the theme for the event is "Loving Care!"?

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 2000 as SENIOR HAIRCARE MONTH in Illinois.

Issued by the Governor May 9, 2000.

Filed by the Secretary of State May 16, 2000.

2000-276**VIVIAN D. ADAMS DAY**

WHEREAS, Miss Vivian D. Adams has worked for more than 40 years as a teacher, speech therapist and educator; and WHEREAS, Miss Adams is a graduate of the University of Illinois where she majored in Speech Pathology and Audiology, received her Master's Degree from Southern Illinois University and completed 45 semester hours beyond her Master's Degree; and WHEREAS, Miss Adams was lauded as an educator, innovator, author, leader and inspiring example to follow her various roles in District 189; and WHEREAS, as an Administrative Assistant in charge of elementary education, she was responsible for revising the entire elementary curriculum and developing the Illinois State Board of Education's kindergarten program in which she supervised the creation of 30 kindergarten classrooms in one year; and

WHEREAS, several new instructional units on Black Studies and the history of schools in East St. Louis were written and introduced under her direction; and WHEREAS, Miss Adams has been honored by Illinois State Board of Education

and the Illinois Office of Education and was presented a gold certificate for "Those Who Excel" as School Administrator in Region Six; and WHEREAS, Miss Adams, a volunteer and consultant for many State and civic organizations is listed in Who's Who of American Women; and WHEREAS, Miss Adams is being honored on her retirement for her many years of distinguished service in School District 189;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 12, 2000, as VIVIAN D. ADAMS DAY in Illinois.

Issued by the Governor May 9, 2000.

Filed by the Secretary of State May 16, 2000.

2000-277**WALGREENS DRUG STORE DAY**

WHEREAS, the Walgreen Co. was founded in Chicago in 1901; and WHEREAS, it is a publicly traded Illinois Corporation; and WHEREAS, Walgreens operates 116 stores in the City of Chicago and 389 stores in the State of Illinois; and WHEREAS, Walgreens has opened its 3,000th drugstore in the City of Chicago; and

WHEREAS, Walgreens continues to offer convenience and pharmacy services throughout the city and State; and WHEREAS, today marks the grand opening of Walgreens' 3,000th store;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 11, 2000, as WALGREENS DRUG STORE DAY in Illinois and extend best wishes for another 100 years of success to Walgreens and its employees on behalf of the citizens of the State of Illinois.

Issued by the Governor May 9, 2000.

Filed by the Secretary of State May 16, 2000.

Rules acted upon during the calendar quarter from Issue 17 through Issue 29 are listed in the Issues Index by Title number. Part number and issue number. For example, 50 Ill. Adm. Code 2500 published in Issue 1 will be listed as 50-2500-1. The letter "R" designates a rule that is being repealed. Inquiries about the Issues Index may be directed to the Administrative Code Division at 217-762-4414 or instate@cgat.sos.state.il.us (internet address).

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